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THE  
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1926

PUBLISHED BY  
NORTH CAROLINA HISTORICAL COMMISSION  
RALEIGH, N. C.

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# THE NORTH CAROLINA HISTORICAL REVIEW

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*Published by The North Carolina Historical Commission, Raleigh, N. C.*

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*This review was established in January, 1924, as a medium of publication and discussion of history in North Carolina. It is issued to other institutions by exchange, but to the general public by subscription only. The regular price is \$2.00 a year. To members of the State Literary and Historical Association there is a special price of \$1.00 a year.*



# THE NORTH CAROLINA HISTORICAL REVIEW

## TABLE OF CONTENTS

### VOLUME III

AGRICULTURE IN COLONIAL NORTH CAROLINA.....	539
<i>W. Neil Franklin</i>	
AN ANTIGUA PLANTATION, 1760-1818.....	439
<i>Ulrich B. Phillips</i>	
A HISTORY OF THE PIEDMONT RAILROAD COMPANY.....	198
<i>C. K. Brown</i>	
DEFEATISM IN THE CONFEDERACY.....	446
<i>Frank L. Owsley</i>	
HISTORICAL NEWS.....	159, 393, 519, 660
HISTORICAL NOTES.....	119, 363, 477, 622
<i>D. L. Corbitt</i>	
NORTH CAROLINA LOYALISTS.....	575
<i>Isaac S. Harrell</i>	
NORTH CAROLINA IN THE SCHOOL GEOGRAPHIES 110 YEARS AGO.....	36
<i>Charles L. Coon</i>	
PRESERVATION OF VIRGINIA HISTORY.....	529
<i>Lyon G. Tyler</i>	
POLITICAL INCONSISTENCY .....	155
SAMUEL A'COURT ASHE.....	132
<i>R. D. W. Connor</i>	
SCIENTIFIC AND INTERPRETATIVE HISTORY.....	165
<i>William Whatley Pierson, Jr.</i>	
SCHOOL SUPPORT IN OUR NORTH CAROLINA SCHOOLS, 1868-1926.....	399
<i>Charles L. Coon</i>	
SOME NORTH CAROLINA TRACTS OF THE EIGHTEENTH CENTURY:	
"THE PETITION OF REUBEN SEARCY AND OTHERS" (1759) AND GEORGE SIMS	
"ADDRESS TO THE PEOPLE OF GRANVILLE COUNTY" (1765) .....	52
AN IMPARTIAL RELATION ETC., AND A FAN FOR FANNING AND A TOUCHSTONE TO TRYON .....	223

DR. GEORGE MICKLEJOHN'S SERMON TO TRYON'S MILITIA (1768)-----	457
INFORMATIONS CONCERNING THE PROVINCE OF NORTH CAROLINA-----	591
<i>William K. Boyd</i>	
THE STUDY OF THE NEW SOUTH-----	3
<i>Benjamin Kendrick</i>	
THOMAS COOPER AND THE STATE RIGHTS MOVEMENT IN SOUTH CAROLINA-----	184
<i>Dumas Malone</i>	
TRAVEL AND TRANSPORTATION IN COLONIAL NORTH CAROLINA-----	16
<i>F. W. Clonts</i>	
BOOK REVIEWS:	
HENDRICK'S <i>Life and Letters of Walter Hines Page</i> , WAGSTAFF'S <i>The Papers of John Steele</i> —By R. D. W. CONNOR; DAVIS'S <i>Released for Publication</i> , BRADFORD'S <i>Wives</i> —By CHARLES L. SNIDER; DICKSON'S <i>John Sharp Williams</i> —By J. G. DE R. HAMILTON; GAY'S <i>Statistical Review of Relief Operations</i> —By C. P. HICBY; ODUM'S <i>Southern Pioneers</i> —By W. C. JACKSON-----	136
FITZPATRICK (ed.), <i>The Diaries of George Washington</i> —By ARCHIBALD HENDERSON; CHANNING'S <i>The War for Southern Independence</i> —By R. D. W. CONNOR; EPPS'S <i>The Negro of the Old South</i> —By JAMES A. ROBERTSON; BOYD'S <i>Story of Durham</i> —By CHARLES L. COON; HOLDEN'S <i>Hatteras and Other Poems</i> —By THOMAS M. PITTMAN; WHITE'S <i>Calvin Coolidge</i> , KROUT'S <i>The Origins of Prohibition</i> —By J. G. DE R. HAMILTON-----	375
BASSETT'S <i>The Plantation Overseer</i> —By R. H. TAYLOR; OWSLEY'S <i>State Rights in the Confederacy</i> —By CHARLES LEE SNIDER; BREVARD AND ROBERTSON'S <i>A History of Florida from the Treaty of 1763 to Our Own Times</i> —By JAMES OWEN KNAUSS; SEARS'S <i>John Slidell</i> —By THOMAS ROBSON HAY; ROWLAND'S <i>Andrew Jackson's Campaign Against the British or the Mississippi Territory in the War of 1812</i> , BOLTON'S <i>Arredondo's Historical Proof of Spain's Title to Georgia</i> , FRIES AND PFOHL'S <i>The Moravian Church</i> , SIMKINS'S <i>The Tillman Movement in South Carolina</i> —By THOMAS M. PITTMAN-----	506
LONG'S <i>The Genesis of the Constitution of the United States of America</i> —By E. C. BROOKS; ADAMS'S <i>New England in the Republic, 1776-1850</i> —By A. R. NEWSOME; WANDELL AND MINNEGERODE'S <i>Aaron Burr</i> , BOWERS'S <i>Jefferson and Hamilton, the Struggle for Democracy in America</i> —By J. G. DE ROULHAC HAMILTON-----	649



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## CONTENTS

THE STUDY OF THE NEW SOUTH.....	3
BENJAMIN KENDRICK	
TRAVEL AND TRANSPORTATION IN COLONIAL NORTH CAROLINA .....	16
F. W. CLONTS	
NORTH CAROLINA IN THE SCHOOL GEOGRAPHIES 110 YEARS AGO .....	36
CHARLES L. COON	
SOME N. C. TRACTS OF THE EIGHTEENTH CENTURY.....	52
HISTORICAL NOTES .....	119
D. L. CORBITT	
SAMUEL A'COURT ASHE.....	132
R. D. W. CONNOR	
BOOK REVIEWS .....	136
<i>HENDRICK's Life and Letters of Walter Hines Page</i> , WAGSTAFF's <i>The Papers of John Steele</i> —By R. D. W. CONNOR; <i>DAVIS's Released for Publication</i> , <i>BRADFORD's Wives</i> —By CHARLES L. SNIDER; <i>DICKSON's John Sharp Williams</i> —By J. G. DE R. HAMILTON; <i>Relief Operations</i> —By C. P. HIGBY; <i>ODUM's Southern Pioneers</i> —By W. C. JACKSON.	
POLITICAL INCONSISTENCY.....	155
HISTORICAL NEWS.....	159

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## THE STUDY OF THE NEW SOUTH\*

BY BENJAMIN KENDRICK

The new south is a natural outgrowth of the old. Some writers assume that the violent death of the old was prerequisite to the birth of the new. Like a leguminous crop slavery and the plantation system had to be plowed under so that the rejuvenated soil might blossom forth with a new crop of small farms and industrial cities.

The assumption is based, no doubt, upon the undisputed fact that the plantation, operated by gangs of negro slaves, ceased to exist with the close of the civil war, and that in the course of time the predominating form of agriculture came to be the small farm.

The one thing followed the other, from which it is inferred that there was a causal connection between the two facts. To this process of reasoning the old logicians applied the Latin phrase *post hoc ergo propter hoc* and dismissed it with disdain. But most historians are not trained in logic and it is well, for, if we were, what would become of our clever interpretations and plausible generalizations?

Now I am of opinion that most of our stock generalizations require verification through further and more painstaking investigation of social phenomena. And despite the large number of books that have been written about the civil war, its antecedents and aftermath, I feel that we have a good deal to learn about its causes and consequences. For an example of what I regard as an unsupport-

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\*This paper was read before the faculty and graduate students of history at the Columbia University summer session of 1925. In an introductory remark the author stated that a more fitting title would have been "Some suggestions as to points of departure for those contemplating the intensive study of the social, political, and economic history of the South since the civil war." And so it would.

able generalization about one result of the civil war I will quote you a few sentences from a new college textbook of American history written by Prof. A. M. Schlesinger of Harvard. Since the quotation will serve as a sort of text for some of my remarks, may I say that I regard this book so highly that I propose to use it during the coming academic year in my class in general American history. I make this parenthetical remark in order that what I shall have to say may not be misinterpreted as a general attack on this excellent volume. Here is the quotation. "The new order involved the emancipation of the 'poor whites' in as real a sense as the Thirteenth Amendment had that of the negroes. To them had at last come the opportunity for free employment, education and self improvement for which Helper had pleaded in the *Impending Crisis; to their hands was to fall the political leadership of the south*" (Italics mine.) Schlesinger, *A Political and Social History of the United States, 1828-1925*, p. 258.

In the first place, Hinton R. Helper was not himself a "poor white" in a sense that will justify the quotation of the phrase, as the author elsewhere states (*ibid.*, p. 163). In the second place, unless we are to call all the millions of white people in the south who in 1860 owned no slaves, "poor whites," I think the conclusion, upon investigation, will prove untenable. Finally, I am willing to hazard the opinion that the grandparents or parents of the vast majority of the leading southerners of today along business, professional or political lines, were not poor whites even in a non-quotable sense. I suspect that an investigator would find that in the main they were slave-owners, business or professional people in the cities of the south, or else resided outside that section altogether. There would be a considerable percentage who were small farmers of the New England or western economic type, but very few who properly could be designated "poor whites."

Now you see I am generalizing without any evidence beyond my own personal experience and observation, which I grant you is a quite insufficient basis for any sort of generalization. But at this point I wish to deliver to you a challenge, which I trust at least one of you, who is looking for a real live subject for a doctoral dissertation, will accept. I challenge you to make a study of present-day leadership and suggest that you go about it in something like the follow-

ing manner. Take the members of the present Congress from the states that constituted the Confederacy, the mayors or business managers of some fifty large cities, the presidents of the chambers of commerce, of Kiwanis and Rotary clubs of the same cities, the governors and other important state officials, some college presidents, presidents of the various state bar associations, some leading physicians, manufacturers, merchants and bankers and other leading citizens to the total number of, say, one thousand. This number should be sufficient for statistical purposes of generalization. Find out who the grandparents (or in some cases, parents) of these men were, what their economic status was in 1860, how much land and how many slaves, if any, they owned, where they were living, what was their attitude toward secession, what part they took in the war and what effect it had upon their fortunes. Other points to investigate will readily occur to you once you get into the subject. I believe such a study would prove a very valuable contribution to the social history of the south, and incidentally it would demonstrate who is right, Prof. Schlesinger or I, in his generalization about the ancestry of the political leaders in the south today. Mind you I have no personal interest in proving that the descendants of the "poor whites" are not now the chief political leaders in the south. My interest in the matter is simply a desire to know. In fact it would please me to find that he is right, for I should like to believe that it is really only three generations from shirt sleeves to shirt sleeves, and I confess a certain sardonic delight in seeing the bottom rail on top, especially if the bottom rail happens to be my rail.

In the first place, we need to define the term "poor white." In 1860 there were approximately eight million white people living in the fifteen slave states. Of these something like two million had a direct interest in slavery, and about six million owned no slaves. By occupation fully four million of these latter belonged to families who were small farmers. One half of the slave-owners were also small farmers as the number of their slaves did not exceed five to the family, and in a majority of cases did not amount to more than two. Over three-fourths of these families owned their farms, the remainder being tenants of one sort or another. These tenants usually rented the less fertile and detached parts of plantations belonging to

the slavocracy. For the most part they were lazy, shiftless and ignorant, and properly may be designated "poor whites."

Were they emancipated by "the new order"? Here is opportunity for several social studies. The student should begin with the present-day white tenants in a typical county in any southern state and by personal field work, find out whether their fathers and grandfathers were tenants, and in general construct their social and economic history. A beginning has been made in this sort of investigation, which, with certain modifications, may very well serve as a model. I refer to a study that was recently made under the direction of three state institutions in North Carolina in coöperation with the State Department of Agriculture and the United States Bureau of Agricultural Economics. The information was compiled and collated by Messrs. Carl C. Taylor and C. C. Zimmerman and published by the State Department of Agriculture under the title, "Economic and Social Conditions of North Carolina Farmers." This study is in the nature of a survey of one thousand North Carolina farmers in three typical counties of the state, that is to say counties located in the three geographical divisions of the state, which are mountain, piedmont, and coastal plain. So far as one may generalize from this initial investigation, it may be said that fathers and grandfathers who were tenants have sons and grandsons who occupy a like status. But what is cause for more anxiety to those of us who believe that the soundness of our society is grounded upon a free and independent yeomanry, this study reveals the distressing fact that a large number of men who are now tenants, had grandfathers and fathers who were owners of their farms. This study further reveals in detail what many of us already suspected from observation and experience, namely, that the general social and economic conditions of this class of our southern population are little short of appalling. Their houses are mere shacks without any of the modern conveniences and sanitary arrangements. It goes without saying that everything of an esthetic or artistic nature is entirely wanting. Tenants as a class raise very few fresh vegetables and fruits for their tables and none for market. The majority of them do not own a milk-cow and if they do, she is almost certain to be of the poorest nondescript "piney-woods" variety. In short their diet, like the rest of their life, is dry and monotonous.



Except for an almanac and a Bible, they own no books, subscribe to no magazines or newspapers, and in fine, they are anything in the world but emancipated. The tragedy in the lives of these people has occasionally been portrayed in story and in drama—nowhere more vividly than in a little one-act play produced and published by the University of North Carolina Playmakers, entitled “Fix-ins,” which I would urge as many of you as can to see and all of you to read.

Now what of the small farmers who in 1860 were proprietors of their land? Economically, none of them were “poor whites,” although the money value of many small farms, including buildings, livestock and personal property, was less than one thousand dollars. From a standpoint of education and culture, however, a conservative estimate would place nearly half of them in that classification, and this would include many of the two hundred thousand small farmers—approximately half of the total number of slave-owners—who held from one to five slaves, for the possession of a slave or two by no means implied the possession of education and culture. I am of course employing the term *culture* in its narrow connotation and not in its broad sociological sense. Speaking roughly, the slave-plantation belt of the south was bordered on one side by the pine barrens and on the other it extended well up into the foot-hills of the mountains. At least this is true of the eastern part of the belt. In the pine barrens, known locally as the “piney-woods,” dwelt one sort of poor white farmer. In the main he was of English ancestry, in many cases, no doubt, the descendant of the indentured white servant of colonial times. In Georgia and Florida, at least, this group was designated by their more prosperous neighbors to the northwards, by the opprobrious epithet of “cracker”—a term of somewhat uncertain origin, but perhaps derived from the fact that early settlers in the region squatted on the land without legal sanction, thus breaking or “cracking” the law. The crackers were the victims of chronic malaria and, although the disease had not been invented in 1860, also of hookworm, no doubt.

Soon after the war, the pine forests began to be exploited intensively, first for turpentine and presently for lumber. A history of the turpentine and yellow pine lumber industries needs to be written. Such a history would perforce tell a sorry tale of forest

butchery hardly to be duplicated anywhere else in the United States, which everywhere has been notorious for wastefulness in the exploitation of its natural resources in general, and its forests in particular. But such a history should also include a chapter on convict labor in the turpentine and lumber camps—a sordid story of a corrupt alliance between business and politics in the post-bellum south. It should have for one of its objectives the discovery of the chief beneficiaries of the socially economic utilization of the pine forests. I am afraid it would be found that these were mainly from the outside, that the natives who profited were few and far between. Many of their young men were given employment at the turpentine stills and the sawmills, but very few of them were operators. When the timber was all depleted they settled back on the old farms or cleared new ones on the cut-over land, but in either case their general economic and social condition was not much if any better than it had been before the coming of the timber “butchers.”

On the other side of the plantation belt lived the small farmers of the upper piedmont and the mountains. Racially they differed from their counterparts in the coastal plains, their ancestors being mainly Scotch-Irish who had migrated thither during the eighteenth century. They were not so plagued with malaria and hookworm as were the crackers, but were more prone to the ravages of tuberculosis and acute religious melancholia. Many, especially those who dwelt in the upper piedmont, were not essentially different in cultural and economic status from the small farmers of the east and middle west. In fact a majority of the first settlers in the lower part of the old north-west territory came from southern Appalachia during the forty years between 1790 and 1830. The farmers of this region, especially those in the mountains, were not much under the influence of the planter class to the south and east. When secession came, they were either entirely hostile to the Confederacy as in eastern Tennessee and western Virginia (present West Virginia), or lukewarm in their attachment to it as in western North Carolina and northern Georgia and Alabama and in other scattered regions of the south. Still, outside eastern Tennessee and western Virginia, the small farmers of the piedmont and the mountains, together with those from the other sections of the south, made up the

rank and file of the Confederate armed forces. But almost from the start they complained that it was "a rich man's war and a poor man's fight" and towards the end of the conflict, there might be seen opposite many of their names on the muster-rolls the laconic inscription, (or its civil war equivalent) "A. W. O. L."

In the decades following the war the surplus population of the small farms of the piedmont and the mountains drifted to the growing villages, towns and cities. There some of them entered business and the professions and in some cases became prosperous citizens. Others became skilled mechanics, but the vast majority became tenants-at-will in the numerous cotton-mill villages that have been established during the past fifty years. Whether the opportunity for themselves and their children to live in little houses as monotonously similar as Ford roadsters,\* furnished them by their employers, to have their children taught for five or six years by teachers selected for them by their kind-hearted masters, to be preached to by evangelicals *persona grata* to the owners, exercised and entertained in Y. M. C. A.'s or community houses over which they have no control, and to labor fifty or sixty hours per week amid the dampness, dust, and deafening roar of a cotton-mill, be emancipation and an opportunity for self-improvement, I shall leave to the protagonist of the great social uplift or the apologist of paternalism, to decide. But to some one or more of you who are neither protagonists nor apologists, but are earnest seekers after truth, I suggest that the southern cotton-mill industry in all its phases, would prove a very valuable and attractive field for your researches.

But after all, the mass of the descendants of the small farmers of all regions of the south in 1860 are still to be found on the farms of their ancestors. A few of them own more land and are better farmers, many others have succumbed in the hard struggle to keep their heads above water and have been reduced to a condition of tenantry. Thousands are crop-lien slaves to some city merchant or banker or landlord. But whether at home on his ancestral farm in the piedmont, the mountains or the coastal plain, a tenant on some one else's land, a denizen of the numerous southern Daytons, a mechanic or small business man in the cities, or whether a serf

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\* Written before the latest model of this worthy perambulator was put on the market.

in the mill village of some benevolent textile lord, the descendants of the small farmers of the south in 1860 make up the overwhelming bulk of its white population. They do not dominate in politics or in industry, as Prof. Schlesinger and many other writers have assumed, but they do give a certain tone—a nuance—to southern life that is unmistakable. He who would understand the south of today and its social history, must study the characteristics of these people, just a few of which I have time merely to suggest.

Of these characteristics, I should place first and foremost their sincere belief that the south must be maintained as a one-hundred per cent “Anglo-Saxon” community—whatever that may mean. Hence they are anti-negro, anti-Catholic, anti-Jew, anti-foreign, and most recently anti-evolution. At times and in places they have been anti-Yankee, anti-monopoly, anti-saloon, anti-corporation, and anti-city. They are pro-sacredness-of-the-home to the point of acquitting one of their number who commits murder in defense of it, propriety-of-southern-womanhood to the point of lynching negroes or aliens who have violated it, pro-protestant to the point of refusing to vote for a man for public office merely on the ground that he is a Catholic, pro-Bible to the point of ejecting teachers from their schools who doubt the accuracy of Genesis as a scientific and historic document.

If we step out of our characters as historians, we are apt to condemn or denounce as narrow-minded bigots, persons who hold to such prejudices, for we think of ourselves as “emancipated.” As a matter of fact, I doubt if there is such a thing as a truly unprejudiced person, but as historians we ought at least to be sufficiently open-minded to regard prejudice in others as something to be accounted for rather than something to be denounced. And I may remark parenthetically that in accounting for it we are doing more in the way of alleviating if not removing it, than if we merely condemn it. Now all the prejudices of the southern small farmer group are by no means peculiar to his type. Many of them are shared by other elements in the southern population as well as by persons in other parts of the United States. But most of them are held more tenaciously by the southern small farmers than by any other class either in the south or elsewhere. Time does not permit a full explanation of them all nor am I competent to explain all of them.



However, I think we can account for most of them very simply. Dislike of Catholics, for instance, was brought over by their ancestors from their English, Scotch, German, or North of Ireland homes and the tradition has been continued and perhaps accentuated by their isolation and the preaching of fervid evangelicals. Again, the determination to maintain the negro in an inferior status runs deep into their original biological equipment and has also been fortified and strengthened by three centuries of close contact in the same community. Finally their orthodoxy is attributable in part to their European heritage and in much greater measure to their hard experience in wresting a living from a reluctant and frequently capricious nature. Responsibility for floods, drouths, storms or insect pests—anything, in short, that caused a crop failure—might well be placed upon the shoulders of a justly angry, arbitrary and unappeased God. Such a God they were under no necessity to create. The Jewish Jehovah, revived by their Presbyterian and nonconformist ancestors, was already in their social consciousness. He was in a preëminent degree a God of hard times and hard conditions, of provincialism and prejudice, of clannishness and narrow social outlook. Such were the conditions and character of the southern small farmers. Hence we have the apparent paradox of a people at once hating Jews as alien and outside their kin, and at the same time revering and worshiping the Jewish God. His reputation for omnipotence, wisdom and justice they must jealously guard. And so they did, and in the main, still do.

Other characteristics possessed in extraordinary degree by this southern small farmer type are personal honesty (although frequently slow and careless about paying debts, it is not their *intention* to defraud any one), courage, neighborliness, hospitality, a fatalistic acceptance of whatever may befall as the act of an all-wise and just Providence, and a remarkable pliancy in the hands of smooth-tongued orators, political and religious, who make an appeal to their tribal prejudices rather than to their judgment. Hence if given a choice of following a leader who appeals to reason and one who appeals to passion in the name of all the generic loves, hates and fears, whatever may be his ulterior motives, they have all too often reviled the former and exalted the latter. In such a situation the demagogues of politics, evangelical religions and weird fraternal orders,



have found, and still do find, the pickings rich enough to satisfy any but an abnormally grasping nature. Despite this sad fact, which any candid southerner must painfully acknowledge, we can hopefully point out that considerable constructive leadership has been in evidence at times and places, and in the schools especially, it is becoming more and more prominent. Even in politics, the out and out demagogue is not so prevalent as he was two or three decades ago. While the politicians, like their fellows everywhere in a democracy, still find it necessary to pander to popular prejudice in order to be in a position to become statesmen at all, the number who do this and nothing more is not so large as it formerly was. There are many who are genuinely interested in originating or carrying forward constructive programs. The advanced position of North Carolina is attributable in no small measure to the fact that the quality of her political leadership during the last twenty-five or thirty years, has been superior to that of her sister states of the south. In the realm of religion, one regrets to record that leadership is hopelessly inadequate to the requirements of the times. Except for a comparatively few isolated ministers here and there, the forces of bigotry, intolerance and narrow social vision are everywhere triumphant.

In our discussion thus far, you note that the theme has been the small white farmer. This has been the case because I conceive that, despite the numerous writings of men like John Esten Cooke and Thomas Nelson Page, it is the small farmer who has given the predominant tone to southern life. To me, at least, it is apparent that the civil war had only a remote and indirect effect upon his development. It is not clear that it either retarded or advanced it, and to say that he was "emancipated" by it or even given greater "opportunities for self improvement," is to misconceive the true history of the south during the last half century.

It is my opinion that it could also be shown that the civil war had no accelerating effect upon the development of commerce and manufacturing in the south—the other outstanding differential between the old and the new south. Time does not permit the elaboration of this theme. However, I do wish in the few minutes remaining to point out one or two facts that are at the basis of this opinion. In 1850 a considerable beginning had been made in manufacturing under the factory system in the south. Between 1850

and 1860 the value of southern manufactures increased in equal proportion with those of the north, although at the end of the decade as at the beginning the value of northern manufactured products was about ten times as great as that of the south. The war stimulated the manufacture of munitions and other things destined for use by the army, but upon its cessation, such manufacturing ceased. Ordinary "secondary" manufactures did not again attain their 1860 level until about 1880. Between 1865 and 1880 there was considerable increase in "primary" manufactures such as lumber, meal and flour, but such manufactures are not a good index of manufacturing prosperity in general as so little is added to the value of the product in transforming it from the raw state into the finished article. In railroad building—the *sine qua non* of modern industrialization—the south was advancing more rapidly between 1850 and 1860 than the east, but not so rapidly as the middle west. In 1850 there were scarcely more than 2,000 miles of railroads in the south, while in 1860 there were more than four times that number. During the war much of this mileage was destroyed or came to be in very bad repair. Between 1865 and 1873 these old lines were restored to their former state and some new lines were begun and a few completed, when the hard times lasting from 1873 to 1879 caused a temporary halt in nearly all railroad construction in the south as elsewhere. It was therefore not until after 1879 that there came another era of railroad building in the south comparable to that of 1850-60.

It would appear that the chief reasons why progress toward industrialization in the south had been so slow were lack of business experience and acumen among a large number of people, a deficiency in capital, and the absence of a momentum derived from an early start. The fact generally stressed by some writers, if indeed it is a fact, that negroes are by nature ill adapted for work in factories, would not seem to have had much if anything to do with the matter, as the labor was then as now supplied mainly by the poorer whites and their offspring. Now to take these deficiencies up in reverse order in which I have stated them. As we have seen by 1850 a start had been made and its momentum in railroad building was sufficient for it to outdistance the north during the next decade and in manufactures to keep relative pace with that section. This would mean that some capital for reinvestment was being accumulated,

but once southern railroads and manufactures had been established, outside capital was sure to come in as nothing in the world is more migratory than fluid capital for investment. In fact a good deal of the capital for the construction of railroads came from foreign sources and there is no doubt that it would have come for manufacturing purposes when that industry had by experience demonstrated its profitableness just as during the last three or four decades it has come in. To say that investors from the north or from Europe would have refused to put their money in southern factories and railroads and other industrial enterprises because they objected to the institution of slavery is as idle as to say that Americans of today would refuse to invest in Mexican or Turkish oil-wells because they disapprove (theoretically) of peonage or polygamy. Investors as a class are not now, nor have ever been celebrated for squeamishness of conscience. Business experience and acumen were being developed on the spot, and accretions to it would have come in from the same motives that would have actuated capitalists. Therefore, in the light of these very few and inadequate remarks and statistics, I think it is not unfair to conclude that the civil war, far from accelerating the process of southern industrialization, in fact retarded it by anywhere from ten to twenty years. Or to put it another way, the south should have been about 1910 industrially where it is now, had the civil war never occurred.

I can imagine the minds of some of you being troubled by the question of the slave-plantation system. Suppose, say you, that we grant that manufacturing, railroads, commercial and industrial enterprise in general as well as the small farmer element, had developed without the violent destruction of slavery as it has with it, what about slavery? Would the slave-plantation system have come to an end had it not been terminated in the midst of civil strife? My answer is that it was not *terminated*; its character was merely changed. Furthermore, it is my belief that such a change would have come—much more slowly to be sure—had Gettysburg and Appomattox never emerged from the obscurity to which nature had originally consigned them. My reason for this unorthodox opinion? Well, it's a long story and must wait for proof for another time and place, and I may add, from another source; perhaps from some of you.

So I end as I began by affirming that the new south is a *natural* outgrowth of the old. Of course the south of 1925 is *different* from the south of 1860, but, in the main, different only in the same way that the north or west of 1925 is different from the north or west of 1860. And yet I note that none of the twenty lectures in this series were on the topics, "The Study of the New North" or "The Study of the New West." So persistent is our tendency to dramatize history!



## TRAVEL AND TRANSPORTATION IN COLONIAL NORTH CAROLINA<sup>1</sup>

BY F. W. CLONTS

Geographical factors largely determined the methods and routes of travel and transportation in the Albemarle section. Although the broad sounds, wide rivers and innumerable creeks served both as aids and as barriers to communication, countless swamps, marshes and small streams, all of which no map reveals, were only obstacles. It is only from a study of the accounts of travelers, of methods of transportation and descriptions of roads that any conception of their significance is obtained. Such an investigation shows that the early inhabitants were confronted with transportation and communication problems of great magnitude. That there were any roads and that there was a constant effort made to increase their number as well as to keep them in repair is much to the credit of the inhabitants. But this admirable attempt to build and improve the highways could not make them usable in many cases, the waterways often being the only recourse. In the following account an effort has been made to show the existing condition of the roads, to discover the factors determining their location and the purposes for which they served, to trace the main highways, to show what transportation was carried on by water, and to describe the boats or craft used for local needs by the inhabitants.

Because it was easier to travel by water than by land, and because the waterways served as outlets for the transportation of products, the early planters in the Albemarle settled only along the creeks, rivers and sounds. Not until the lands along the navigable streams were taken up did the interior country become occupied. Although Rev. John Blair, the missionary, writing about 1704, said that no inhabitants lived along the roads but that they "planted" only on the rivers,<sup>2</sup> a petition to the Governor and Council in 1717 stated

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1. This study is confined to the Albemarle section during the proprietary period. By the Albemarle section is meant the northeastern part of North Carolina, the term being employed because it seems to be an appropriate one to apply to that territory and because it serves to distinguish this section from another more or less distinct part of North Carolina in the colonial period, the Cape Fear region.

2. *Colonial Records of North Carolina*, I, 600-603.

that all of the lands near the water had been taken up.<sup>3</sup> Short roads and public landings, however, made waterways easily accessible to all the inhabitants for many years after the latter date.

There are numerous references to show that the early settlers in the Albemarle section traveled customarily by water. Besides divers accounts in which boats are mentioned as having been employed to facilitate transportation, complaints made by missionaries of the "everlasting fatigue in going by water and hiring hands," and of having to purchase canoes, with negroes to manage them, for the purpose of serving their "cures,"<sup>4</sup> indicate that there was considerable travel by water. Not only a horse, but also a large boat and a couple of experienced watermen were necessary for any one traveling in the Albemarle, according to Rev. John Urmstone.<sup>5</sup>

As the population of the Albemarle increased and larger numbers were available for road work, travel by land became easier, although there were always the broad rivers and sounds over which certain kinds of traffic were very difficult if not impossible. The "woods, swamps, rivers, creeks and runs," according to a representation to the Lords Proprietors about 1679, made travel exceedingly tedious.<sup>6</sup> That these impediments in the Albemarle were well known outside of the Colony is shown by a communication from Governor Spotswood of Virginia to the Board of Trade in 1711, declaring that there were almost insuperable difficulties in marching forces into a country so cut with great rivers and without any "conveniency of carriage."<sup>7</sup> Writing in this same year, Urmstone says "there are great Rivers from two to six, twelve, and fifteen miles over and no ferry boats."<sup>5</sup> It was only natural that in a country like the Albemarle much of the travel should have been by water; it was practically necessary that heavy goods and products that were to be taken a long distance be carried in boats.

The craft used for local transportation purposes were small row boats, canoes, perriaugers, and sloops or shallops. The small row boats, which could be managed by one person, were generally employed in shallow streams or near shores where the waters were calm. Canoes, which were by far the most important vessels em-

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3. *Ibid.*, II, 290.

4. *Ibid.*, 126-127.

5. *Ibid.*, I, 763-772.

6. *Ibid.*, 260.

7. *Ibid.*, 862.

ployed by the Albemarle colonists, consisted of two types, distinguished from each other by the terms "large" and "small."

Large canoes were not only paddled or rowed but they were equipped with sails,<sup>8</sup> which could be used to very good advantage in the broad bodies of water. That they could carry comparatively large and heavy cargoes is shown by an order of the Governor and Council in 1712, commanding that twenty men be "forthwith raised and Employ'd in two large Canoes to Cruize in pamplico and Core Sounds in order to Supress a party of Indjans."<sup>9</sup> Although the large canoes were chiefly used in the inland waters of the Albemarle, they were frequently employed for voyages to Virginia. On these trips it was necessary to go by way of the inlets and the Atlantic Ocean, since South Key, which was sometimes mentioned, could be reached by only that route.<sup>10</sup> In at least one instance one of them was employed to go to South Carolina. Upon the outbreak of the Tuscarora War, Mr. Foster, the North Carolina agent, was ordered to secure a canoe, hands, provisions, and other necessities and to proceed with "all the expedition" he could "make . . . to Charles Town in South Carolina."<sup>11</sup> Further evidence that these large canoes were used for voyages that took them into the Atlantic Ocean was the fee of two shillings allowed the governor for clearing boats or canoes of the country that were bound to "foreign ports."<sup>12</sup>

There were doubtless many varieties and sizes of small canoes, but these do not appear to have been equipped, as the larger canoes, with sails. Almost all of them however, were managed by two persons, and, when they were to be had, these two persons were negroes. Some idea of the extensive use made of these canoes is obtained from the many references to them that are found in the miscellaneous records of the proprietary period. In an inventory of the estate of Adam Gamball, for example, it was stated that a canoe and two hands were employed to go to "Captain Walters," that a canoe and two hands were used to go to "Rocahock," that a trip to make an "entry" was made in a canoe with two hands, that a six-days voyage was made in a canoe with two hands to carry "his

8. An inventory (1698) of the estate of Joseph Commander contains the following item: "a great cannoe, sayles and furniture," 2L 10s. In an inventory of the estate of Thomas Jervis two old canoe sails are mentioned. *Council Minutes, Wills and Inventories*.

9. *Colonial Records of North Carolina*, I, 852.

10. *Council Minutes, Wills and Inventories*, inventory of the estate of Adam Gamball, 1694-1695. *Colonial Records of North Carolina*, I, 896.

11. *Colonial Records of North Carolina*, I, 898.

12. *State Records of North Carolina*, XXIII, 83.

goods," and that a canoe and "hands" were employed to go to South Key in Virginia.<sup>10</sup> Apparently all of these trips were taken just prior to Gamball's death, or in connection with the settlement of his estate. Furthermore, in addition to the large number of canoes listed in the early inventories of estates of deceased persons, their importance is shown by references to canoes being damaged, to their being stolen or robbed, and to persons crossing sounds and rivers or making frequent trips in them.<sup>13</sup>

Like the large canoe the perriauger<sup>14</sup> was equipped with a sail and oars, which made it a very serviceable craft for the Albemarle waters. In size the perriauger seems to have been a vessel between the large canoe and a small sloop, and although it probably was incapable of making the speed of a large canoe, it was at the same time useful in waters where the depth prevented the navigation of sloops. It could carry a heavy load and was therefore a useful craft to merchants, planters and traders for the transportation of heavy burdens. When Thache (Teach) made his famous trip from Ocracoke Inlet to the dwelling of Tobias Knight in Pamlico River he went in a perriauger, carrying, it seems, four kegs of sweet meats, some loaf sugar, a bag of chocolate, and some boxes, the contents of which were unknown.<sup>15</sup> There were at least four other persons in the boat with Thache. On the return voyage Thache robbed a perriauger belonging to William Bell, who was evidently a merchant of Currituck engaged at that time in supplying one of his customers in Pamlico River. Bell's perriauger was lying at Chester's landing, which was about three miles below Tobias Knight's. Thache rowed alongside, boarded Bell's perriauger, took it out into the river and threw over the sides the sail and oars to prevent Bell from reaching shore easily.<sup>16</sup>

Another instance showing the character of the perriauger and the purpose for which it was employed is found in the records made by the commissioners appointed to survey the North Carolina-Virginia

13. The following are only a few of the sources and references of this kind which have been noted. *Colonial Records of North Carolina*, I, 517, 630, 679, 849-850; II, 26, 310, 717. Hathaway, *Genealogical and Historical Register of North Carolina*, 249. Lawson, *A New Account of Carolina*, 84. *Council Minutes, Wills, and Inventories, passim*.

14. "Periagua, in *Sea Language*, a sort of large canoe, used in the Leeward Islands, South America, and the Gulf of Mexico. This is composed of the trunk of two trees, hollowed and united together; and thus differs from the canoe, which is formed of one tree." Chambers, *Cyclopædia*, 1786 edition. No definition is given in the 1743 edition of Chambers's *Cyclopædia* although the perriauger is mentioned in a list of boats.

15. *Colonial Records of North Carolina*, II, 242.

16. *Ibid.*, 242, 342-343.



boundary line in 1728. During the first five days of their operation two perriaugers, hired at North West River landing, were used to transport the commissioners, surveyors, helpers, and their baggage over "the many waters" they had occasion to pass in that "difficult part" of their work.<sup>17</sup> As it appears that there were thirty or more persons in the surveying party at that time, something of the burden carried by the perriaugers can be imagined.<sup>18</sup> While the surveyors and part of the men were in the Dismal Swamp, the commissioners "embarked in the periaugas for Corrotuck."<sup>17</sup>

Small row boats, canoes and perriaugers were the three types of craft generally owned and used for travel and transportation purposes within the Albemarle section during the proprietary period. Because of their shallow draft and the ease in managing them, these boats were suitable for use in the numerous rivers and innumerable creeks for which this section is noted. From the context of a statute which prohibited "any Boat, Canoe or Perriauger" from being unloosed, taken or carried away from a landing without the consent of the owner, it seems that only these three types were in common use.<sup>19</sup> That there were a great many of them appears unquestionable, and doubtless one or more of these small craft were to be found at almost every public and private landing.

While small row boats, canoes and perriaugers were the only small craft employed in the Albemarle, the sloop was frequently used in the sounds and on the large rivers. The "shallop"<sup>20</sup> is a term occasionally used in reference to boats, but it seems that the words sloop and shallop were only different terminology applied to the same type of craft. There are very few instances in which the word shallop was employed,<sup>21</sup> and if there was any real distinction between this vessel and the sloop it probably was in the size. A small sloop may have been called a shallop, although there is hardly any evidence to show that this was true. The extent of the bodies of

17. *Ibid.*, 750, 751, 752.

18. Twelve men were selected to accompany the surveyors through Dismal Swamp. So desirous were those of the party to be among this number that it was necessary to select the twelve by lot. As there were at least seven commissioners in addition to these, and enough men to take the baggage around to the western side of the swamp it would seem that the surveying party might be conservatively estimated to have numbered thirty persons.

19. *State Records of North Carolina*, XXIII, 82.

20. "Shallop, Shalloop, or Sloop, is a small light vessel, with only a small main-mast, and fore-mast, and lug-sail to hale up, and let down, on occasion." Chambers, *Cyclopaedia*, 1786 edition.

21. *General Court Papers*, I, 1680-1716, Jeremiah Simons vs. David Northey. *Council Minutes, Wills, and Inventories*, inventory of the estate of John Godfrey, 1695. *Hathaway*, I, 135.



water and the distances to be traveled made the sloop a useful vessel in the Albemarle. In describing the travel between Albemarle County and Pamlico River, for example, Mr. Blair said that "any man that has tried it would sooner undertake a voyage from this city [some place in England] to Holland than that."<sup>22</sup>

In his account of the founding of New Bern, De Graffenried gives in detail some of the actual difficulties encountered in a voyage about 1712 from Neuse River to Chowan Precinct. The trip was made in a small sloop belonging to De Graffenried. The first night of the voyage there was a storm which forced those on board to land and spend the night ashore. The following day, when the sloop was in the "midst of the Sound, which is a little sea between the land and the downs of the Ocean," it struck a sand bank with such force that at first it was believed the hull of the ship had been split. After some delay, however, the shoal was cleared in safety, but on the third day there came a "violent and contrary" wind, which forced them to cast anchor on a "reed-covered Bank," where they remained for several days. In crossing the bank the sloop struck an oyster bed, and "half a day's hard work" was required to free the sloop from this snare. Chowan was finally reached, although the voyage, which De Graffenried had hoped to make in forty-eight hours, had taken ten days. This was not, however, the end of the story, for on the return voyage from Chowan County the sloop caught fire and was abandoned.<sup>22</sup>

Various accounts indicate the extent and show the purposes for which sloops were employed within the Albemarle, such, for example, as the letter from Thomas Pollock to Governor Hyde, upon the latter's arrival in Virginia in 1710, offering him the use of a sloop for transporting himself and his goods down the Chowan River.<sup>23</sup> Very great use was made of these vessels for transportation purposes within the Albemarle during the period of the Tuscarora War. Under the admirable management of President Pollock, sloops were dispatched with men, corn, pork, wheat, potatoes, powder and shot to Neuse River for the relief of the stricken inhabitants.<sup>24</sup> Not many of the planters, however, could afford to own sloops, and those who possessed vessels of this size customarily

22. *Colonial Records of North Carolina*, I, 951-952.

23. *Ibid.*, 731.

24. *Ibid.*, 878-879, II, 18-19, 22, 28.

employed them for making ocean voyages of considerable distance. Although the shallow passes, inlets and streams made these vessels especially fitted for navigating in the Albemarle, local travel and transportation facilities were largely confined to the smaller, less expensive and easier managed craft.

The shores of sounds and the banks of rivers and creeks were dotted with private and public boat landings. To obtain a site for one of these landings was the prime motive in causing the early inhabitants to select lands near the water. This very great desire to have land contiguous to navigable streams is shown in a petition presented by William West to the Governor and Council in 1717. In his petition West stated that "he being a Tradesman and willing to settle in this Government and [had] Endeavoured at his first coming in to get some Convenient Settlement but found all the lands near to the water were taken up, upon which he Intended to leave this Government but was advised of a Small Tract of Land on the head of Cashock Creek Survey'd and Patented Several years ago, which he according to the usual Costume petitioned for as Laps'd land."<sup>25</sup> After the choice lands along the water banks were taken up, public landings were provided for those whose estates lay inland.

To the private and public landings the planters generally brought their products. That they did this occasionally can be shown from statements in contracts and orders of courts specifying that commodities be delivered to landings; that they did it customarily can be inferred by taking into consideration the difficulties involved in transporting heavy goods over long distances by land, the constant efforts made by the settlers to obtain land along the waterways, and the fact that there are in the records innumerable references to landings.<sup>26</sup> The canoes and perriangers, with their shallow draft, could navigate in the rivers and far up many of the creeks, and in some instances the depth of the water made it possible for sloops to go alongside the landings for the purpose of taking their cargo directly from the shore. Where this was impossible, however, freight was brought to the larger vessels in the small craft.

In transporting products to Virginia, the planters of the Albemarle section made use of the waterways. It was possible for small

25. *Ibid.*, II, 290.

26. *Perquimans Precinct Court Record*, January, 1698 (1699); *ibid.*, July, 1705. *General Court Papers*, I, 1690-1716, *Jeremiah Simons vs. David Northey*. *Pollock Letter Book*, letters of March 7th and 16th, 1719/20.

vessels to go up Chowan River and for goods to be taken overland from points along its upper banks to ports in Virginia. However, this route seems to have been little used. Products sent from the Albemarle to Virginia were shipped customarily in boats that went out through the inlets into the Atlantic Ocean and into Virginia by way of Chesapeake Bay. All of the navigable inlets were used by vessels bound for the neighboring colony to the north, but small craft generally went by way of Currituck Sound, which was not available for large vessels on account of the dangerous shoals, and through Currituck Inlet. That the all-water route by way of the inlets, the Atlantic Ocean and Chesapeake Bay was almost the only one used for transporting commodities from the Albemarle to Virginia is shown not only by the actual cases in which boats are seen to have gone by this route,<sup>10</sup> but also by the acts which Virginia passed for the purpose of preventing the importation of North Carolina tobacco.

Three such acts were passed by Virginia during the proprietary period. The first of these, enacted in 1679, stated that "for as much as the importation of tobaccos into this colony from Carolina and other parts without the capes hath been found very prejudiciall," no tobacco "shall be brought from without the capes of Virginia into this colony, either in boate, sloop, ship or other vessel . . . except only by such persons as shall make it appeare that they are inhabitants of Lower Norfolk county."<sup>27</sup> A similar act, passed in 1705, declared likewise that no tobacco "whatsoever shall be imported or brought from Carolina, or other parts without the Capes, into this colony and dominion."<sup>28</sup> In neither of these acts is there any mention of tobacco being brought into Virginia by land, which is valuable evidence that no tobacco was brought into Virginia by any other route than by water at the time those acts were passed. And since these acts indicate that tobacco was usually carried into Virginia from the Albemarle by way of the "capes," it is reasonable to assume that other commodities were shipped by this route.

In the act of 1726, which was passed for the same purpose as the previous ones of this nature,<sup>29</sup> importation of tobacco by land

27. *Colonial Records of North Carolina*, I, 261-262.

28. *Ibid.*, 628.

29. In addition to the desire to prevent tobacco being shipped into Virginia from North Carolina, it seems that this act was intended also for the purpose of forcing those persons who had settled within the "controverted bounds" between North Carolina and Virginia to favor the annexation of that territory by Virginia.

was prohibited for the first time. But this act refers specifically to the tobacco being produced and brought overland into Virginia by the inhabitants who had settled within the "controverted bounds," that is, between Nottoway River and Wiccacon Creek.<sup>30</sup> It seems reasonable to suppose, therefore, that practically all of the tobacco brought into Virginia by land came from this strip of territory and that, as formerly, the only available route for the transportation of products to Virginia from the larger and more thickly settled area of the Albemarle was the water course.

Goods were sometimes brought into North Carolina from Virginia by way of Chowan River. There is the case already mentioned of Pollock's offering to transport Governor Hyde and his goods down the Chowan River in a small sloop.<sup>23</sup> In 1712 Pollock wrote to the governor of Virginia to send some supplies, consisting of cloth, spades, pans and "hand granads" to John Cotton's at Blackwater [Chowan River], where there would be a boat or canoe to transport them down the Chowan River,<sup>31</sup> and in 1713 Governor Spotswood wrote to Governor Pollock that he would endeavor to send to John Cotton's four barrels of powder, which could be taken down the Chowan River in "Canoes."<sup>32</sup> There was, therefore, some use made of Chowan River for bringing goods from Virginia, but there seems to be little evidence that this route was used to any great extent for the transportation of commodities from the Albemarle to Virginia.

To travel and to transport products by water was often made necessary because of the impossibility of doing so by land. Not only were there the physical obstacles in the early period, but the sparsity of inhabitants and the distances between their estates made it impossible to build many roads and keep them in repair. The roads were of such a nature that in some cases it was not easy to distinguish them, as Mr. Blair indicated in the account of his travels in North Carolina. "There is no possibility," he wrote, "for a stranger to find his road in that country, for the roads are not only deep and difficult to be found, but there are likewise seven great rivers in the country over which there is no passing with horses except two of them." The roads, Blair stated, were the worst that he had ever seen.<sup>2</sup>

30. *Colonial Records of North Carolina*, II, 683-684.

31. *Ibid.*, I, 892-893.

32. *Ibid.*, II, 26.



Most of the comments on the general condition of the roads in the early history of the colony are to be found in the letters of missionaries. These ministers traveled very extensively through the Albemarle and their observations are of great value, especially since practically all of them agree in their accounts. Rev. Henry Gerrard, one of those sent over by the Society for the Propagation of the Gospel, said that he could not serve both Chowan and Perquimans precincts because of the distance and the "dirtytness" of the roads.<sup>33</sup> Rev. William Gordon, who was in almost all inhabited parts of the colony, wrote in 1709 that "the roads are generally very bad, especially in Paquimans and Pasquotank, which makes it very troublesome work for one minister to attend two precincts." The roads in Perquimans were worse than those in Chowan, and in Pasquotank, he said, "the roads are, I think, the worst in the Country," although he added that he did not go to Currituck Precinct.<sup>34</sup> Moreover, at the same time that Rev. Giles Rainsford was writing of the expense involved in procuring guides to inform him of the roads,<sup>35</sup> Urmstone stated that on the first long journey he had taken after being sick, his weakness and the bad roads caused him to send his horse back and to hire a canoe to carry him to his home.<sup>36</sup>

The foregoing statements seem to indicate that in the Albemarle section the roads were ordinarily poor ones, and there appears to be no direct evidence to the contrary. The general condition of the roads, however, was not due to scandalous indolence or flagrant neglectfulness, although there was some of both, but to the tremendous physical obstacles encountered in making them, and to the sparsity of settlers. While the great number of rivers, creeks, swamps and marshes made road construction a difficult undertaking, rains seriously interfered with transportation and travel by land. Thus Pollock wrote in 1720 that he had sent out some pitch and tar and that he would have sent more "but where I now make the pitch and tarre is so far and the wayes so deep, havein been much raine, that there was no getting of it down to the landing." He repeated in a letter a few days later that he could not get pitch and tar to the landing because "the Ways" were deep and he had three miles to cover.<sup>37</sup>

33. *Ibid.*, I, 616.

34. *Ibid.*, 708-715.

35. *Ibid.*, II, 126.

36. *Ibid.*, 873.

37. *Pollock Letter Book*, letters of March 7th and 16th, 1719/20.



The most important work in connection with the upkeeping of the roads was the building and repairing of bridges. There was "a creek between almost every house," and one could not travel very far without having to cross a body of water. Although the specific charges were not always mentioned, in some of the indictments against overseers of roads it was stated that the bridges were decayed or out of repair.<sup>38</sup> Because they were indispensable, the broken or destroyed condition of bridges was doubtless the basis of almost all of the complaints against the overseers.

The following account is a most significant picture of the problem of keeping up bridges on a road. It contains a list of bridges, from the "back landing att Scuppernong to Mrs. Long's landing in South Lankister," which are enumerated as follows: "the outlet Swamp, the first swamp next the back landing in Scuppernong, 94 yards; the Rede branch, 9 yards; the Inden Swamp, 225 yards; the Pind Branch, 18 yards; deep branch, 14 yards; flatt swamp, 195 yards; deep swamp, 125 yards; thick swamp, 80 yards; Crooked Poppellar Swamp, 212 yards; last grate swamp is 85 yards; the two last branches in 22 yards; The whole, 1154 yards." To the above description is added the interesting statement that "to the truth here of wee the Subscribers are ready to give in upon oath that there is that and rather more."<sup>39</sup> There were about thirty persons available for keeping these bridges and this road in repair.

All bridges were required by statute to be ten feet wide and made of strong pieces of wood at least three inches thick, with firm and strong posts well secured and fastened. Over some of the marshes and through some of the swamps causeways were built. These were made by placing small poles ten feet long athwart the road and, having secured them, covering them over with dirt. Causeways of this character, called corduroy roads, may be seen in parts of the Albemarle today. Roads, like bridges, were made ten feet wide, but all that was necessary in making a road was to cut away the trees and brush and trim off all limbs of trees that would interfere with persons riding on horseback.<sup>40</sup>

38. *General Court Minute Docket*, March, 1698/9. *Hathaway*, III, 282. *Colonial Records of North Carolina*, II, 833.

39. *Hathaway*, II, 152-153.

40. *State Records of North Carolina*, XXIII, 47.

Although the inhabitants built many bridges, there were large rivers and wide sounds over which it was impossible to construct them at that time. For a long period of the colony's history there were almost no ferries and consequently long journeys through the Albemarle by land were impracticable. Mr. Blair said that at the time he was in North Carolina there was only one ferry over any of the large rivers, and that it was controlled by the Quakers and for their use only.<sup>2</sup> Possibly the ferry over Perquimans River, which was established before 1699,<sup>42</sup> was the one Mr. Blair referred to in his account. Before the end of the proprietary period, however, several important ferries had been established, and innumerable less valuable ones were being maintained. This attention to ferries is particularly noticeable in the period after 1715. In that year the Governor and Council ordered that a ferry be maintained over Perquimans River "for the better Conveniency of People passing and repassing thro' the Country,"<sup>43</sup> and in the following year the Chowan precinct court alone ordered or granted permission for the establishment of at least four ferries within that precinct.<sup>44</sup> John Cheshire was granted permission in 1718 to keep a ferry on Meherrin River for the purpose of transporting over that river persons and stock going and coming from Virginia.<sup>45</sup> About 1722 Henry Baker was appointed to keep a ferry over Chowan River near the mouth of Meherrin River.<sup>46</sup> In addition to these, many other ferries were established on the large rivers in the latter part of the proprietary period for the purpose of facilitating travel by land.

These ferries were chiefly used for transporting persons, who were traveling on horseback, and cattle, which was being driven from one part of the colony to another or to Virginia. In order to save expense, however, cattle were forded over the rivers and creeks where it was possible to do so. There seems to be no indication that vehicles were often ferried over the streams in the early period. In the order commanding Henry Baker to maintain a ferry over Chowan River it was stated that he "take no more than two shillings and six pence for a man and a horse, and fifteen pence for a single

41. Items in *Perquimans Precinct Court Records*, 1698-1706, and precinct court records printed in *Hathaway* are indicative.

42. *Perquimans Precinct Court Records*, April, 1699.

43. *North Carolina Colonial Records*, II, 184.

44. *Hathaway*, I, 149-151.

45. *Ibid.*, I, 154.

46. *General Court Records*, July, 1722.

person for passage over the said ferry," nothing being mentioned therein about the transportation of vehicles.<sup>47</sup> Doubtless most of the ferries served for the transportation of persons riding on horseback, although on the Virginia roads ferrying stock must have been of great consequence. In order to make it profitable to the person maintaining a ferry, the Assembly enacted a statute prohibiting any one from transporting "any person or persons or their horses or their Cattle for pay within ten miles of any Ferry which is already or hereafter shall be appointed."<sup>48</sup>

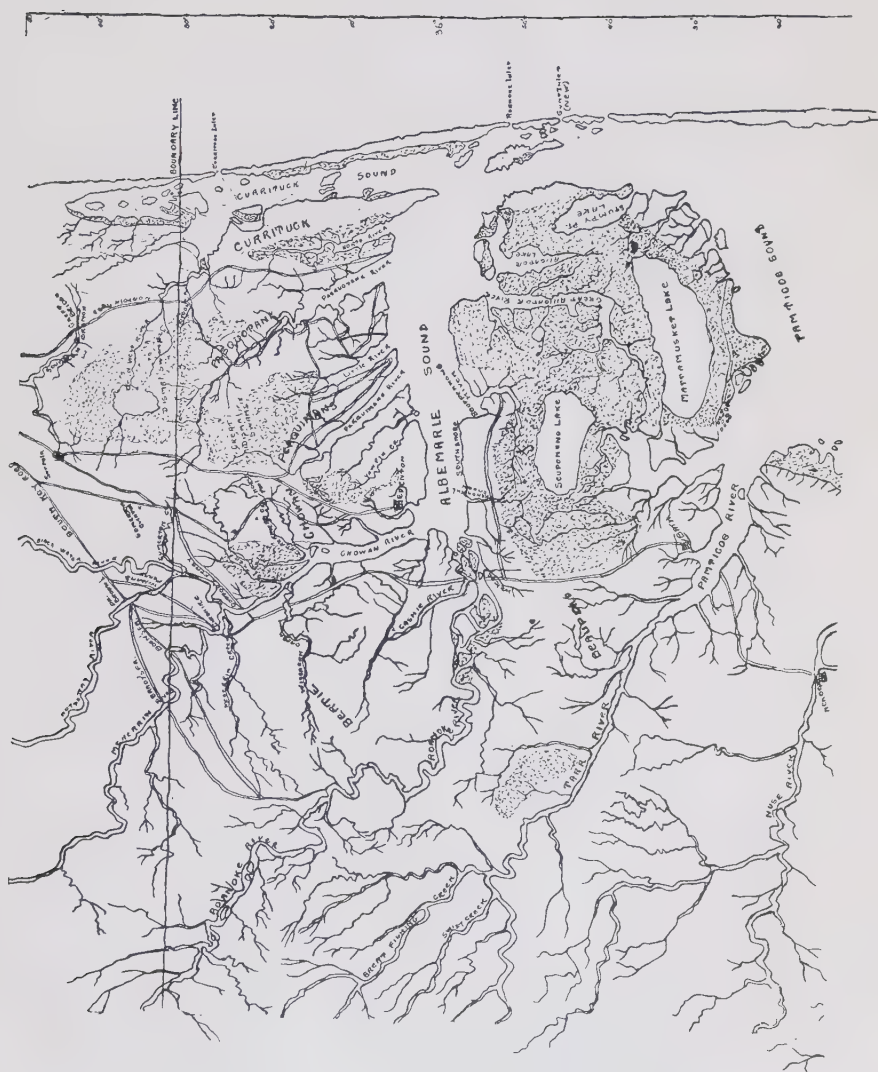
It would be impossible to locate all of the roads which are found mentioned in the court records because the terms by which they were designated were often names of inhabitants, streams, swamps, and trees, the exact location of which is not easily ascertained. It is not difficult, however, to locate the main roads and to obtain an idea as to when they were made. The most important main highways were one on the South Shore, one from Roanoke River by way of Bath to New Bern, and those leading to Virginia.

There were three principal land routes to Virginia during the greater part of the proprietary period. The first of these in importance, and possibly in time, was the Perquimans route. This road ran almost due north from the head of Perquimans River to Suffolk. The country to the east of Perquimans River was connected with this route by a road which crossed the upper waters of that river, while the territory east of the mouth of Chowan River was served by another branch. The second Virginia route was the Somerton road, which had two important North Carolina branches. One of these branches ran south from Somerton, making a wide detour in crossing Catherine's Creek, to Albemarle Sound, and the other crossed Chowan River at Cotton's Ferry and ran south to Roanoke River. The third Virginia route was through Currituck precinct. It followed very much the same course as the present road from Currituck to Virginia, with Norfolk as its terminus.

Various sources show that these three land routes were the ones generally used by persons traveling between the two colonies during the proprietary period. As early as 1679 three "passes or avenues"

47. The *Raleigh News and Observer* of May 24, 1925, contains an announcement and account of the exercises to be held on the 28th at the dedication of the first bridge ever constructed over the Chowan River. "The completed bridge will displace the ferry that has for two centuries provided a crossing over the river here (Winton)."

48. *North Carolina State Records*, XXIII, 47.



ROUTES AND PLACES IN ALBEMARLE





between the Albemarle section and Virginia by land were mentioned in a representation to the Lords Proprietors.<sup>49</sup> That there were not more than three "avenues" customarily used as late as 1715 is shown by some documents of that year. In order to keep persons from leaving the colony to escape serving with the forces being sent to the aid of South Carolina in 1715, the government of North Carolina required that those who wished to go to Virginia should first secure a passport, and requested the Virginia authorities to arrest all North Carolinians who came into that colony without this official permission. For the purpose, therefore, of taking charge of those who were arrested, Tobias Knight was appointed by the government of North Carolina to be stationed at the Horse Pool, William Braswell on the west shore of Chowan River, and Thomas Williams or James Brown at Currituck.<sup>49</sup> It appears from this order that these particular points were designated because they were on those routes customarily used by persons going overland to Virginia.

Again in 1715, the main routes to Virginia are shown in an act passed by the North Carolina Assembly for the purpose of preventing "divers persons" and "inhabitants of Virginia frequently coming into this Government to purchase Cattle or Hogs" driving away stock which they had not purchased. This statute required that all drivers, purchasers or owners driving cattle or hogs to Virginia should register every beast or hog with its mark, and the name of the person from whom it was purchased. For making this act effective, persons were appointed to keep toll books at the head of Perquimans River, at the mouth of North West River in Currituck precinct, and at Catherine's Creek in Chowan precinct.<sup>50</sup> That the Perquimans route was used before 1706 by persons driving stock to Virginia is shown by the fact that a toll book for the register of cattle and hogs was kept at the bridge over Perquimans River.<sup>51</sup>

In an amendment of 1722 to the statute of 1715, specifying points on these three routes for the maintenance of toll books, the head of Catherine's Creek, the head of Perquimans River, and "Maycock Creek" in Currituck were thus named. But in addition to these earlier used routes the development of new ones is seen in the designation of Boon's Ferry in Bertie precinct as one of the points

49. *North Carolina Colonial Records*, II, 183-184.

50. *North Carolina State Records*, XXIII, 60.

51. *Perquimans Precinct Court Records*, July, 1706.

at which stock were to be registered. Furthermore, in order to provide for the rapidly developing territory to the west of Chowan River, it was stipulated that the Bertie precinct court might designate additional places in that precinct for this purpose.<sup>52</sup>

The records of the North Carolina-Virginia boundary survey of 1728 disclose not only the old principal land routes between the two colonies but they reveal several of these new roads which were beginning to be traveled during the latter part of the proprietary period. The beginning of this boundary survey was made on March 7th. On that day a cedar post was driven deep in the sand on the northern side of Currituck Inlet and, taking a due west course from this marker, on March 12th the surveying party crossed the Currituck road about three quarters of a mile to the south of the bridge over North West River. On the 30th of the same month,<sup>53</sup> just after the surveyors emerged from Dismal Swamp, the boundary line was run near the main road "that Leads from Perquimons to the white marsh in Verginia, cutting the said Road about Seven or Eight miles to the Northward of Capt. Speight." A post was set up in this road, which led north to the White Marsh and south to the Horse Pool. On April 1st, the third of the old main roads was crossed about a mile and a half to the south of Somerton Chapel.<sup>54</sup>

As the surveyors proceeded westward from this point some new Virginia roads were passed over. On April 3d, "a main Road" leading from James William's on Nottoway River, three miles from the line, to John Cheshire's on the north side of Meherrin River, seven miles from the line, was crossed.<sup>45</sup> About five miles to the west of this road there was another one that ran from Dr. Brown's on the south side of Nottoway River to John Cheshire's on Meherrin River. As the surveyors proceeded toward the west, four other Virginia roads were traversed; one of these, which ran "from Brady's Ferry to Barnaby Mackinne's on Roanoke," being called a main road. The most westerly road mentioned by the surveyors was crossed about three miles beyond Roanoke River.<sup>55</sup> These new roads are important not because of the use that was made of them

52. *North Carolina State Records*, XXIII, 99.

53. The journal made by the North Carolina Commissioners gives the 29th of March as the date when this road was crossed, but the Field Book states that it was the 30th.

54. *Colonial Records of North Carolina*, II, 747-748, 784, 803-805.

55. *Ibid.*, 807-811.

before 1728, but because they show how rapidly the settled area of the colony was expanding.

The highway between Roanoke River and Bath, which was extended to New Bern about 1722,<sup>56</sup> served to connect the southern and northern parts of the Albemarle section. Before 1706 there was a Pamlico road, an overseer of which was indicted in that year for neglect of duty.<sup>57</sup> But the sparsity of inhabitants living in this territory at so early a date doubtless made it impossible to cut a road and construct bridges over the entire distance from Roanoke River to Pamlico River. Although John Walker, another overseer of this road, was indicted by the grand jury in 1728 for failing to keep the bridges in repair, little is actually known of the condition of this highway. When Governor Hyde led about 150 men to Pamlico in 1711 to capture ex-Governor Cary he crossed Albemarle Sound and landed about twelve miles up Roanoke River. The governor and his men slept one night in the woods and the following day reached Pamlico, "otherwise called Hampton."<sup>58</sup> Because of the nature of the country it is reasonable to suppose that they followed the route used by others who traveled overland between the northern and southern settlements.

The highway along the South Shore, joining the Pamlico road near Welch's Creek, ran eastward at least as far as Scuppernong River. There was an important bridge on this road over Kendrick's Creek, and as early as 1706 the inhabitants were ordered to keep it in good repair.<sup>59</sup> For a comparatively thickly settled district, the South Shore road served as the only overland route to other parts of the colony and to Virginia. But quite naturally most of the traffic between the South Shore and the north was by water.

Innumerable short roads connected the individual plantations with the main roads. Besides these, there were roads which were cut through the woods to places where the courts customarily sat, to mills, and to landings. Orders of the courts and petitions presented to the precinct courts requesting permission to lay out roads

56. The preamble to the act of 1722 providing for the construction of this road stated that, "Whereas a Road from Core-Point, to New Bern Town, would be of very great Use and Advantage to the Inhabitants of the upper parts of Neuse River in particular, and to the County of Bath in general, . . . it is humbly prayed that it may be En-acted." An Act, for a Road from Core-Point, on Pamptico, to New Bern, on Neuse River, *North Carolina State Records*, XXIII, 98.

57. *General Court Minute Docket*, March, 1706.

58. *Colonial Records of North Carolina*, I, 803-804.

59. *Hathaway*, I, 143-144.

show that these were the greatest factors determining the location of highways other than the great main roads. It was very essential to make roads leading to the places where the courts sat. This is shown, for example, in a petition presented to the General Court by Edward Moseley wherein it was stated that if a decision of the precinct court of Chowan, which ordered an established road to be changed, were carried out, a large number of settlers would be deprived of a "lawful road to come to the court held for the precinct or to the Church or Generall court held at Edenton." For these reasons the decision of the precinct court was set aside and the former road ordered to be maintained.<sup>60</sup>

When the desirable lands along the water were taken up, and when many of the inhabitants had begun to settle in the interior country, public boat landings were provided for the use of those who could not have private ones. It was necessary, therefore, to have roads leading to these public landings from the interior. Some of the roads ordered to be laid out to the creeks and rivers did not specifically state that a landing was to be the terminus, but apparently the object in building short roads to navigable bodies of water was in most instances to make transportation by water available to the inhabitants whose lands were situated away from the waterways.<sup>61</sup>

Almost all of the traffic over the roads consisted of persons riding on horseback. Individuals attending courts or religious services, persons traveling for various reasons through the colony or to Virginia went customarily on horseback. It was necessary, as Urmstone said, for every one to have a good horse for traveling in the Albemarle. In addition to the travel on horseback, stock was driven over the roads, especially those to Virginia serving for this purpose, and there was some travel and transportation carried on in two-wheel carts or trucks.

That these carts were used in the Albemarle section during the earliest years of the colony's history is shown by the fact that in the oldest inventories of estates of deceased persons many carts and cart wheels are mentioned.<sup>62</sup> These carts were doubtless very similar in appearance to those—with their bodies built high from the ground—that are seen in some parts of the Albemarle today. It was in these

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60. *General Court Records*, March, 1723.

61. *Hathaway*, I, 145-154.

62. *Council Minutes, Wills, and Inventories*, *passim*.



carts that the pitch and tar, tobacco, corn, pork and other commodities were hauled to the landings. If an individual had two or more tracts of land located close together he usually had a private road between them for the use of his cart.<sup>63</sup> There is little to show that products were transported in them to Virginia or over long distances within the Albemarle.<sup>64</sup> Cattle were driven to Virginia but, with the exception of the last few years of the proprietary period when settlers were taking up lands within the "controverted bounds," products and goods to and from Virginia were generally shipped by water.

Roads and ferries were administered and supervised by the General Assembly, the Governor and Council and the courts. The General Assembly acted on such matters of general supervision as defining the powers to be exercised by the precinct courts, it determined the specification for bridges and causeways, it decided what persons were to work on the roads, and it sometimes ordered main roads to be laid out and ferries established.<sup>65</sup> Occasionally the Governor and Council issued orders in matters concerning highways and ferries.<sup>66</sup> However the establishment and maintenance of by far the greater part of the roads and ferries was attended to by the precinct courts. These courts had the power to grant or refuse petitions presented to them asking for roads, bridges and ferries; they selected juries to lay out the roads, and they appointed overseers to make them and keep them in repair. The decisions of the precinct courts were subject to review by the General Court or the Governor and Council,<sup>67</sup> although they seldom exercised this power. Overseers who failed to perform their duties and ferrymen who neglected their ferries were amenable to the jurisdiction of the General Court only, while those required to labor on the roads were subject to a small fine imposed by a magistrate of the precinct.

All male tithables, that is, all male slaves of twelve years and over, and all other males of sixteen years and over, were required to labor on the highways.<sup>68</sup> Twice a year, April and September, the overseers could summon persons for road service, and those who failed to appear when summoned were subject to a fine of five shillings for every day's neglect,<sup>65</sup> but this amount was so little and so

63. *Perquimans Precinct Court Records*, April, 1700.

64. *Colonial Records of North Carolina*, II, 64-65, 130, 183, 250, 572, 683-684.

65. *North Carolina State Records*, XXIII, 46-48.

66. *Colonial Records of North Carolina*, II, 184.

67. *Ibid.*, 171.

68. *State Records of North Carolina*, XXIII, 72. See also note 65.



difficult to collect that the statute was ineffective.<sup>69</sup> Disabled persons were excused from road service by the precinct courts,<sup>70</sup> and a member of the Council or Assembly, a justice of any court, a coroner, a constable or a minister of the Church of England might be excused by sending three persons to take his place.<sup>65</sup>

In actual practice there was probably not as much regularity in the administration of the highways as the statutes of the General Assembly and the records of the courts would seem to indicate. Because of the nature of the country it is difficult to believe that all roads and bridges were built according to the specifications found in the laws of the colony. As stated above, all persons required to work on the highways did not serve. The number of overseers of highways indicted by the grand juries for failing to keep their respective roads in repair was surprisingly small,<sup>71</sup> which may mean either that the overseers did their duty well or that no one took the trouble to report them for their neglect. The latter is the more probable since any complaint against an overseer would be likely to come from the inhabitants living in the immediate vicinity of the neglected road and such persons would not only share in the guilt but also be the ones required to repair the road complained of. Only an occasional statement about the "badness of the roads" or "broken bridges over dangerous places"<sup>75</sup> gives any indication of the real condition of the highways.

It seems, therefore, from the scattered information that exists concerning travel and transportation in the Albemarle during the proprietary period that in the early years of the colony's history both travel and transportation were largely by water. As the population of the country gradually increased, in spite of the enormous physical difficulties, roads were made, causeways built, bridges constructed and ferries established so that by the end of the proprietary period most of the ordinary travel, such as to courts, to Virginia, or from one part of the Albemarle to another, was on horseback. Because of the great bodies of water and the many small streams and marshes over which it was impossible to build bridges and causeways, it was impracticable to transport heavy goods any great

69. *Ibid.*, 118.

70. *Hathaway*, I, 150.

71. *General Court Minute Docket*, 1695-1712. *Records of the General Court*, 1716-1729. Less than ten instances of this kind were noted in the above records.

distance overland. There were innumerable landings on the rivers, creeks and sounds, and the products of the country were brought to these in two-wheel carts. At the landings these commodities were loaded on canoes, perriaugers, or sloops and taken to larger ships that lay in deep water, to Virginia, or to one of the other colonies. Besides the merchants and traders, who usually traveled by water, many of the inhabitants frequently found the water courses less troublesome to use than the roads.

The poor condition of the roads, the great number of water hazards, the fatigue and labor involved in using the waterways, had a tremendous effect upon the economic, social, religious, and political life of the sparsely settled people of the Albemarle. The difficulties involved in transporting products of the country to points where they would be of value affected both the quality of production and the net returns to the producer. Because of the hardships encountered in traveling, the people were deprived very largely of the advantages gained through social intercourse. The necessity of attending court sessions and of taking part in religious services were almost the only instances that brought the inhabitants together, and of these the court sessions were of far greater importance than the religious services. Not only was it impossible for the ministers of the gospel to reach all the homes of the people whom they were supposed to serve but the inhabitants seldom took the trouble to travel any great distance to avail themselves of the occasional opportunity of attending a divine service. Collection of taxes, execution of justice, attendance of council, court, and assembly meetings, were all influenced by the problems of travel and transportation with which the early settlers of the Albemarle were confronted.

# NORTH CAROLINA IN THE SCHOOL GEOGRAPHIES

## 110 YEARS AGO

BY CHARLES L. COON

Old events have modern meanings, only that survives  
Of past history which finds kindred in all hearts and lives.

—Lowell's *The Image Breaker*.

If a North Carolina schoolboy of 1925 were to open his geography some bright morning and read about a remarkable "natural well" in Duplin county, or about a wonderful "subterranean wall" near Salisbury, or about the unusual custom of "gouging," he would only be repeating a part of the school experience of a North Carolina boy of 110 years ago. But the geography books of that far off time were different in many other respects from those of the present day. They were not attractively printed, they contained no story-telling pictures, or well-made maps, and they looked on the outside just like present day grammar or arithmetic books. They were history books as well as geography books, all in one; for school history and school geography had not yet become two entirely separate school subjects.

Three school geographies were in more or less general use in our North Carolina schools 110 years ago. The exact titles of those three textbooks were Guthrie's *A New Geographical, Historical, and Commercial Grammar and the Present State of the Several Kingdoms of the World*; Morse's *Geography Made Easy, Being an Abridgement of the American Universal Geography*; and Adams's *Geography, or A Description of the World in Three Parts*.<sup>1</sup> From 1830 to 1840 and later the geography texts of Smiley, Worcester, Cummings, Woodbridge, Goodrich, Willett, Willard, and Huntington were somewhat extensively used in our schools. However, it is to the texts of Guthrie, Morse, and Adams that I shall limit this essay on the manner in which the geography of North Carolina was presented to our school children more than a century ago. The modern pedagogy which defines geography as the relation between earth life and human life was unheard of in that distant time. Morse, in the preface to his *Geography Made Easy* sets forth the purpose of teaching the subject in this language:

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<sup>1</sup> See illustrations accompanying this article.

A NEW  
GEOGRAPHICAL, HISTORICAL,  
AND  
COMMERCIAL GRAMMAR;  
AND PRESENT STATE OF THE  
SEVERAL KINGDOMS OF THE WORLD.

1. The British Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	2. The French Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
3. The Spanish Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	4. The Portuguese Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
5. The Dutch Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	6. The Prussian Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
7. The Russian Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	8. The Austrian Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
9. The Ottoman Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	10. The Persian Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
11. The Mogul Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	12. The Maratta Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
13. The Nizam's Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	14. The British Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
15. The French Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	16. The Spanish Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
17. The Portuguese Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	18. The Dutch Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
19. The Prussian Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	20. The Russian Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
21. The Austrian Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	22. The Ottoman Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
23. The Persian Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	24. The Mogul Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.
25. The Maratta Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.	26. The Nizam's Empire, as extended by Conquest, in the Year 1763, contained the following Provinces, Colonies, &c.

BY WILLIAM GUTHRIE, ESQ.  
THE ASTRONOMICAL PART BY JAMES FERGUSON, ESQ.  
THE GEOGRAPHICAL PART BY JAMES FERGUSON, ESQ.  
THE COMMERCIAL PART BY JAMES FERGUSON, ESQ.

IN TWO VOLUMES. VOL. I.  
LONDON: PRINTED BY J. JOHNSON, ST. PAUL'S CHURCH-YARD, 1791.

THE SECOND EDITION, CORRECTED AND ENLARGED.  
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To discharge the duties of public office with honor and applause, the history, policy, commerce, productions, particular advantages and interests of the several states ought to be thoroughly understood. It is obviously wise and prudent, then, to initiate our youth into the knowledge of these things, and thus to form their minds upon correct principles, and prepare them for future usefulness and honor.

In a word, geography and history were not clearly differentiated as school subjects 110 years ago. Geography was not, therefore, at that time taught as a science or as the basis of the other sciences as at present, but it was frankly taught in those days for its civic value in the promotion of nationalism. Now to the story the three geographies have to tell.

## I

## COUNTIES AND TOWNS IN 1815

All three of these textbooks thought it important to introduce their treatment of North Carolina geography with a catalogue of the names of the counties. Guthrie's text also included the population of each county and named the chief town in each county. The text of Morse<sup>2</sup> named the counties and gave the population of each, but omitted the names of the county seats or chief towns, while Adams contented himself with the names of the counties, omitting the county seats or chief towns and the population of each county as unimportant. Guthrie listed the counties, their population in 1810, and the chief towns as follows:

COUNTIES	POPULATION	CHIEF TOWNS
Chowan	6,538	Edenton
Currituck	7,322	Indiantown
Cambden	5,347	Jonesborough
Pasquotank	7,674	Elizabeth city
Perquimons	6,050	Hartford
Gates	5,966	
Hertford	6,052	Winton
Bertie	11,218	Windsor
Tyrrel	3,364	Elizabeth
New Hanover	11,463	Wilmington
Brunswick	4,778	Smithville
Duplin	7,857	
Bladen	5,666	Elizabeth
Onslow	6,684	Swansborough
Craven	12,676	Newbern

<sup>2</sup> Morse gives the population of the State as follows: "North Carolina contained in 1800, 478,103 inhabitants; in 1810, 563,526; viz. 361,283 free persons, 202,243 slaves. Increase in 10 years, 85,423."

COUNTIES	POPULATION	CHIEF TOWNS
Beaufort	7,203	Washington
Carteret	4,829	Beaufort
Johnson	6,867	Smithfield
Pitt	9,169	Greenville
Lenoir	5,572	Kingston
Wayne	8,692	Waynesborough
Hyde	6,110	Germananton
Jones	4,968	Trenton
Halifax	15,620	Halifax
Northampton	13,082	
Martin	5,987	Williamston
Edgecombe	12,423	Tarborough
Warren	11,104	Warrenton
Franklin	10,230	Louisburg
Nash	7,282	
Orange	20,137	Hillsborough
Chatham	12,980	Pittsborough
Granville	15,576	Oxford
Person	6,676	Roxborough
Caswell	11,817	
Wake	18,086	Raleigh
Randolph	10,112	Johnstonville
Rowan	21,543	Salisbury
Cabarrus	6,155	Concord
Mecklenburg	14,270	Charlotte
Rockingham	10,278	Wenworth
Iredell	10,972	Statesville
Surry	11,306	Rockford
Montgomery	8,470	Henderson
Stokes	11,650	Germantown
Guilford	12,372	Greensborough
Burke	11,007	Morganton
Rutherford	13,221	Rutherfordton
Lincoln	16,369	Lincolnton
Wilkes	9,054	Wilkesborough
Buncombe	9,277	Asheville
Cumberland	11,374	Fayetteville
Moore	6,367	Fagansville
Richmond	6,695	Rockingham
Robeson	7,528	Lumberton
Sampson	6,621	
Anson	8,331	Wadesborough
Haywood	2,780	Wayensville
Greene	4,872	Snow Hill
Washington	3,164	Plymouth
Columbus	3,148	Whitesville
Ashe	3,694	Jefferson





A NEW  
GEOGRAPHICAL, HISTORICAL,  
AND  
COMMERCIAL GRAMMAR,  
AND PRESENT STATE OF THE  
SEVERAL KINGDOMS OF THE WORLD.

CONTAINING

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| <p>1. The Figures, Manners, and Customs of the<br/>People, according to the several Nations, and<br/>the best Government.</p> <p>2. A general View of the most remarkable<br/>Places, with account of the geographical<br/>Names, and Reasons.</p> <p>3. The several Languages, and the<br/>Manners, Customs, and Trade.</p> <p>4. The Situation and Extent of the<br/>Kingdoms, States, Provinces, or<br/>Territories, with the most<br/>remarkable Places, and the<br/>Manners, Customs, and Trade.</p> <p>5. The History, and the most<br/>remarkable Events, and the<br/>Manners, Customs, and Trade.</p> <p>6. The History, and the most<br/>remarkable Events, and the<br/>Manners, Customs, and Trade.</p> | <p>7. Observations on the best Government,<br/>and the best Manners, Customs, and<br/>Trade.</p> <p>8. The History, and the most<br/>remarkable Events, and the<br/>Manners, Customs, and Trade.</p> <p>9. The History, and the most<br/>remarkable Events, and the<br/>Manners, Customs, and Trade.</p> <p>10. The History, and the most<br/>remarkable Events, and the<br/>Manners, Customs, and Trade.</p> <p>11. The History, and the most<br/>remarkable Events, and the<br/>Manners, Customs, and Trade.</p> <p>12. The History, and the most<br/>remarkable Events, and the<br/>Manners, Customs, and Trade.</p> |
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TO WHICH ARE ADDED,

A GEOGRAPHICAL INDEX, WITH THE NAMES OF PLACES ALPHABETICALLY  
ARRANGED, A CHRONOLOGICAL TABLE OF REMARKABLE EVENTS  
FROM THE CREATION TO THE PRESENT TIME, &c. &c.  
OF MEN OF LEARNING AND SCIENCE.

BY WILLIAM GUTHRIE, ESQ.

THE ASTRONOMICAL PART BY JAMES FERGUSON, F.R.S.

TO WHICH HAVE BEEN ADDED

THE LATEST DISCOVERIES OF DR. HERSCHEL, AND OTHER EMINENT ASTRONOMERS.

ILLUSTRATED WITH TWENTY EIGHT CORRECT MAPS.

THE SECOND AMERICAN EDITION IMPROVED.

IN TWO VOLUMES. VOL. II.

PHILADELPHIA:

PUBLISHED BY JOHNSON & WARNER, AND FOR SALE AT THEIR BOOK STORE  
IN PHILADELPHIA, AND RICHMOND VIRGINIA.

1815.

It is interesting to observe that North Carolina had only 62 counties in 1810, and worth while to note that the following towns have disappeared as county seats: Indiantown, as the county seat of Currituck; Smithville,<sup>3</sup> of Brunswick; Swansborough, of Onslow; Elizabeth, of Tyrrell; Waynesborough, of Wayne; Germantown, of Hyde; Johnstonville, of Randolph; Rockford, of Surry; German-town, of Stokes; and Fagansville, of Moore. At this time Gates, Duplin, Northampton, Nash, Caswell, and Sampson had no towns important enough for county seats or to be noted among the "chief towns." It is also worth while to note that Rowan was our most populous county in 1810, that Orange ranked second in population, and that Wake stood in third place.

## II

### MOUNTAINS AND CURIOSITIES IN 1815

Those early textbook authors had hardly discovered our North Carolina mountains. Adams says "the Alleghany ridge crosses the western part of this State." He makes only one other reference to our mountains: "Beyond these falls the country is a land of hills and vallies; further back, it becomes mountainous." All three of these textbooks devote considerable space to what they term either "curiosities" or "natural curiosities." Adams says:

Near Salisbury, there is a remarkable subterraneous wall of stone, laid in cement, plastered on both sides, from 12 to 14 feet in height, and 22 inches thick. The length yet discovered is about 300 feet. The top of this wall approaches within about one foot of the surface of the ground. When built, by whom, and for what purpose, is left wholly to conjecture. A similar wall has lately been discovered about 6 miles from the first, from 4 to 5 feet high, and 7 inches thick.<sup>4</sup>

Morse had evidently not heard of the Rowan "natural wall," but he also has a paragraph on curiosities. He says, under that topic:

The Ararat, or Pilot Mountain, draws the attention of every curious traveller, in this part of the state. It is discernible at the distance of 60

<sup>3</sup> Now Southport.

<sup>4</sup> Rumble's *History of Rowan County*, pp. 195-6, Reprint of 1916, contains this interesting explosion of the myth of the famous Rowan "Natural Wall," mentioned also in Lossing's *Field Book of the Revolution*: "The fact is that about three miles from Salisbury, and again about nine miles from Salisbury, in the direction of Mocksville, there are trap dikes, or natural walls of trap rock, beneath the surface of the ground, from twelve to fourteen feet deep, and twenty-two inches thick, as Lossing says, that have the appearance of being laid in cement. But this cement is nothing but a fine decomposition of the trap rock itself, or an infiltration of fine material from without." Lossing and others ignorantly supposed these "walls" to be a part of the circumvallation of a city of the Mound Builders.

or 70 miles, overlooking the country below. It was anciently called the Pilot, by the Indians, as it served them for a beacon, to conduct their routes. On approaching it, a grand display of nature's workmanship, in a rude dress, is exhibited. From its broad base, the mountain rises in easy ascent, like a pyramid, near a mile high, to where it is not more than the area of an acre broad; when, on a sudden, a vast stupendous rock, having the appearance of a large castle, with its battlements, erects its perpendicular height to upwards to 300 feet, and terminates in a flat, which is generally as level as a floor. To ascend this precipice there is only one way, which, through cavities and fissures of the rock, is with some difficulty and danger effected. When on the summit, the eye is entertained with a vast delightful prospect of the Apalachian mountains, on the north, and a wide extended level country below, on the south; while the streams of the Yadkin and Dan, on the right and left hand, are discovered at several distant places, winding their way, through the fertile low grounds, towards the ocean.

Guthrie, under the topic "Natural curiosities," mentions the Rowan wall, Pilot Mountain, Table Rock, Linville Falls, and a "natural well" in Duplin County in the following paragraphs:

On the summit of a mountain, in Burke county, about 17 miles from Morgantown, is an immense rock called the Table Rock. It is 500 yards long and 300 wide. This vast steep is by computation, more than 100 yards in its average height, above the surface of the mountain. The prospect from the top is very extensive. The front side, and each end of the rock, are perpendicular. The sides of the mountain below the front, are perpendicular to a considerable distance below. The opposite side descends from the summit, gradually for 120 yards, after which the descent is more steep, to the base of the mountain, on the margin of the river Linville. The rapid falls of this river, many miles above, are seen from the summit. There is a deep fissure in this rock, the entrance to which is at its highest end. The passage is about thirteen feet wide, and the sides are straight and pendicular. The sides of the mountain below the front, are perpendicular to a considerable distance below. The opposite side descends from the summit, gradually for 120 yards, after which the descent is more from the massy top of which, the spectator, in looking upwards, has a prospect resembling that of the natural bridge in Virginia, except that the walls are nearer together, more perpendicular, and uncovered above.

The Ararat, or Pilot mountain, near Salem, is reckoned among the natural curiosities of North Carolina. It is near a mile in height, and surmounted by a stupendous rock, having very much the appearance of an irregular fortification. In Rowan county there is a curious subterranean wall. Its length has been traced 300 feet, and its height is from 12 to 14. When first discovered, it was supposed to have been a work of art, but subsequent observation has determined it to be a natural production of basalt. There is a natural well in Duplin county, which serves as a drain to the surrounding tract. It is 50 feet in circumference, and about the same in depth. In rainy seasons, it receives the unabsorbed water of the neighbourhood, and conveys it off, by a subterranean passage, the outlet of which is not known.

## III

## OTHER PHYSICAL FEATURES

Guthrie evidently did not consider the physical side of the State of great importance. He disposes of the topic in a short paragraph, under the heading "Rivers and Capes," as follows:

The principal rivers of North Carolina are the Chowan, and its branches, Roanoke, Tar, Neuse, and Cape Fear, or Clarendon. Cape Fear empties into the ocean below Wilmington, and is navigable for large ships to within seven miles of that town. The Roanoke and Chowan discharge their waters into Albemarle sound, and Tar and Neuse into Pamlico sound. Fishing creek, between Halifax and Nash counties, has been lately made navigable for boats and rafts for 40 miles. Drowning creek, by an act of assembly, has had its name changed to Lumber river. Lumberton is on this river, from whence it is navigable to Georgetown. Most of these and the smaller rivers have bars at the mouths, and the coast furnishes no good harbours except Cape Fear. The principal capes are, Cape Fear, Cape Look-out, and Cape Hatteras.

Morse considered the physical features of the State of enough importance to devote considerable space to the bays, capes, rivers, and swamps. He sets forth this information in a remarkably inaccurate and uninteresting manner, as follows:

*Face of the Country.* The sea coast of this state is uniformly level, and is principally covered with swamps and forests. Sixty or eighty miles from the sea the country rises into mountains.

*Bays and Capes.* Albemarle sound is a kind of inland sea, 60 miles long and 10 or 12 broad.

Pamlico sound is from 10 to 20 miles broad, communicating with the Atlantic ocean by several small inlets, the chief of which is Ocrecoc inlet, between Ocrecoc island and Core Bank.

Core sound lies south of Pamlico, with which it has a communication.

Cape Hatteras, in latitude  $35^{\circ} 15'$ , is surrounded with dangerous shoals and sand banks.

Cape Look-Out is south of Cape Hatteras, opposite Core-sound.

Cape Fear is remarkable for a dangerous shoal, called, from its form the Frying Pan. This shoal lies at the entrance of Cape Fear river, in lat.  $33^{\circ} 32'$

*Rivers.* Chowan river is formed by the confluence of Meherrin, Notaway, and Black rivers, all of which rise in Virginia. It falls into Albemarle sound by a mouth three miles wide.

Roanoke is a long rapid river, formed by Stanton river from Virginia, and Dan River. It is navigable only for shallops, and empties by several mouths into Albemarle sound.

Pamlico or Tar river opens into Pamlico sound. It is navigable to Washington, 40 miles.



Neuse river rises in Hillsborough, and after a winding course of 500 miles, falls into Pamlico sound, by a mouth nine miles wide. It is navigable for large vessels to Newbern, 70 miles.

Trent river from the southwest, falls into the Neuse at Newbern and is navigable 12 miles above the town.

Cape Fear or Clarendon river opens to the sea at Cape Fear. It is navigable for large vessels to Wilmington. Haw and Deep rivers are its main branches.

Yadkin river originates among the Blue Ridges in Virginia. It is joined by the Uwharre; the united streams take the name of Pedee river, and pass into South-Carolina.

There are several other rivers of less note, among which are Pasquotank, Perquimons, Little, Alligator, &c. which flow into Albemarle sound. All the rivers of North-Carolina, South-Carolina, and Georgia, are navigable by any vessel that can pass the bar at their mouths.

*Swamps.* Great Dismal Swamp is on the dividing line between this state and Virginia. It covers 140,000 acres, and has a lake in the middle about 7 miles long, called Drummond's Pond.

There is another swamp in Currituc county, south of Albemarle sound, which is also called Dismal Swamp, supposed to contain one of the most valuable rice estates in America. In the centre is a lake 11 miles long and 7 broad.

It would be unprofitable to point out all the mistakes in the above paragraphs. But surely no modern geography maker who would tell us that the Neuse River rose in Hillsboro and ran 500 miles before it reached Pamlico Sound could hope to get a serious hearing in a present day North Carolina school.

Adams does not waste words in describing the physical features of the State. He devotes the following brief paragraphs to our rivers, swamps, sounds, and capes:

*Rivers.* The most considerable rivers are the Chowan, a branch of which, rising in Virginia, is called Meherrin river; the Roanoke, formed by the junction of Staunton and Dan rivers, navigable for small vessels about 60 or 70 miles; its current is rapid and much obstructed by falls: Tar or Pamlico river, navigable for vessels about 40 miles; Neuse river, one and a half mile wide, at Newbern, and 9 miles wide at its mouth; Cape Fear river navigable for large vessels to Wilmington, and for boats to Fayetteville, 90 miles further. This river affords the best navigation in the State. Most of these, as well as the smaller rivers, have bars of sand at their mouths, and the coast affords no good harbours except Cape Fear.

*Swamps.* Swamps in this State are numerous. The two principal are the Great Dismal and the Dismal, in each of which there is a lake.

*Sounds.* On the coast of North Carolina are two large sounds; Albemarle sound, about 60 miles in length, and from 8 to 12 miles in breadth; and Pamlico sound, nearly 100 miles in length, and from 10 to 20 miles in breadth.

These sounds are separated from the ocean by a chain of sand islands generally about one mile in breadth, extending more than 100 miles along the coast. The only inlet into Pamlico sound, that will admit vessels of burthen, is Ocrecoc, where there are 14 feet of water at low tide.

*Capes.* There are three noted capes on this coast, Cape Hatteras, Cape Lookout, and Cape Fear, all formidable to seamen. The shoals about Cape Hatteras are very extensive, and the weather is often tempestuous, with frequent storms of thunder. There is no place in the Atlantic ocean where navigation is more dangerous.

#### IV

#### CLIMATE, SOIL, PRODUCTS AND TRADE

Guthrie says that the rich land on the margins of the lakes in eastern North Carolina 115 years ago produced on an average 30 bushels of wheat per acre and from 30 to 40 bushels of corn, without the aid of fertilizer; and that it took the labor of one man to produce in that day 1000 pounds of seed cotton. Since that time the wheat belt in North Carolina has receded far inland, that crop being now rarely cultivated to the east of Wilson, Johnston, and Edgecombe counties. And no present day North Carolina worker could hope to find employment, if he could not produce much more than 1000 pounds of seed cotton for his year's labor!

##### 1. *Guthrie on Climate, Soil, Products and Trade*

*Climate, Soil, and Produce.* The western hilly parts of North Carolina are as healthy as any part of America; but in the flat country near the sea-coast, the inhabitants, during the summer and autumn, are subject to intermitting fevers, which often prove fatal. North Carolina, in its whole width, for sixty miles from the sea, is a dead level. A great proportion of this tract lies in forests, and is of poor quality, and chiefly valuable on account of the timber; but there are also many large swamps, which, being drained, would prove equally productive, with the richest soil. On the banks of all the rivers, the land is fertile and good, producing at an average about thirty bushels of corn to the acre; though the Roanoke and Cape Fear are subject, at certain seasons, to inundations, which destroy in a few days the labour of the year. Near the sea coast are several large lakes, round the margin of which, there are immense tracts of the most valuable land, which produce, at an average thirty bushels of wheat, and from thirty to forty bushels of Indian corn, to the acre, without any aid from manure. The western hilly parts of the state are fertile, and everywhere watered by springs and rivulets. One hundred miles from the sea, the country rises into hills and mountains, as in South Carolina and Georgia. Tobacco, wheat, rye, barley, oats, hemp, and flax, grow well in the back hilly country; Indian corn, and pulse of all kinds, in all parts. Cotton is much cultivated in the southern parts of the state for exportation, and in all parts for domestic use. It is planted

yearly; the stalk dies with the frost. The labour of one man will produce 1000 pounds in the seeds, or 250 fit for manufacturing. Rice of a superior quality, and in great abundance, is raised, for exportation, near Wilmington. The large natural growth of the plains in the low country is almost universally pitch pine, which is a tall handsome tree, far superior to the pitch pine of the Northern states. The swamps abound with cypress, laurel, gum and bay trees. Some of these swamps are very extensive; that called the Great Dismal covering 500 square miles, and containing several small lakes. It is valuable only on account of the juniper trees, with which it abounds. These are made into shingles, which are highly esteemed for their durability.

*Trade.* A great proportion of the produce of the back country, consisting of tobacco, wheat, Indian corn, &c. is carried to market in South Carolina and Virginia. The southern interior counties carry their produce to Charleston, and the northern to Petersburg in Virginia. The exports from the lower parts of the state are tar, pitch, turpentine, rosin, Indian corn, boards, scantling, staves, shingles, furs, tobacco, pork, lard, tallow, bees wax, myrtle-wax, and some other articles, amounting in the year, ending September 30th, 1791, to 324,548 dollars; in 1802, to 650,000; and in 1810, to 403,949. Their trade is chiefly with the West Indies and the northern states. They manufacture iron wares, and cotton cloth for domestic consumption.

## 2. *Morse on Soil, Productions, etc.*

*Soil and Productions.* The soil on the banks of the rivers is fertile. Interspersed through the other parts are glades of rich swamp and ridges of oak land, of an excellent soil.

Wheat, rye, barley, oats, flax, and tobacco grow well in the back country; Indian corn and pulse of all kinds in every part of the state. Cotton and hemp are considerably cultivated. The forests in the low country universally consist of pitch pine, much superior to that of the northern states, yielding pitch, tar, turpentine, and various kinds of lumber. No country produces finer white and red oak than the hills of North Carolina. The swamps abound with cypress and bay trees; the latter is an evergreen and is food for cattle in the winter. The mistleto is common in the middle country. It is a shrub different from all others, never growing out of the earth, but on the tops of trees; the roots run under the bark of the tree and incorporate with it.

The principal wild fruits are plums, strawberries, blackberries, and grapes, from which a tolerable wine is made.

The country is generally covered with herbage and a species of wild grass. It abounds with medicinal plants. The rich bottom lands are overgrown with canes which afford excellent food for cattle.

*Mines.* The county of Cabarras contains a gold mine, which has furnished the mint of the United States with virgin gold. The extent of the mine has not yet been ascertained.

*Mineral Springs.* In several counties are mineral springs of great medicinal virtue. They are impregnated chiefly with sulphur, nitre and the aerial acid, and are powerful in removing cutaneous and scorbutic complaints, and correcting indigestions.

*Manufactures.* Excellent iron is manufactured in this state. Other manufactures are yet in their infancy.

*Commerce.* The produce of the back country is chiefly carried to South Carolina and Virginia. The middle counties generally trade at Fayetteville, the principal inland town. The exports from the lower parts, consist of tar, pitch, turpentine, rosin, corn, lumber, furs, tobacco, pork, lard, tallow, and wax. Their trade is chiefly to the West-Indies and the northern states.

*Public Improvements.* A company is incorporated by the concurring laws of this state and Virginia, to make a navigable canal from the head of Pasquotank to Elizabeth river, through Great Dismal Swamp to the head of Skuppernong river,  $5\frac{1}{2}$  miles.

Individuals of Newbern have made a navigable canal from the lake in the other dismal swamp to the head of Skuppernong river,  $5\frac{1}{2}$  miles.

### 3. *Adams on Climate, Soil, etc.*

*Climate.* The weather is generally moderate till after Christmas, when winter commences, and continues variable till the middle of February, sometimes warm and pleasant, and at other times rainy, with occasional frosts and sometimes snow; but the ice is seldom strong enough to bear a man's weight. Cattle require no other fodder than the husks and stalks of corn. The flat country near the sea-coast and in the vicinity of swamps is unhealthy. The diseases most common are intermitting, bilious, and nervous fevers, which often prove fatal. Few people in this part of the State arrive to old age. But in the western, hilly parts, where the water is good and air pure and serene, the people live to as old age as in any part of the United States.

*Face of the Country, Soil and Productions.* North-Carolina in its whole width, for 80 miles from the sea, is a dead level. A great proportion of this tract lies in pine forest, and is barren. On the banks of some of the rivers, particularly the Roanoke, the land is fertile and good. Interspersed through the other parts, are glades of rich swamp and ridges of oak land of a dark, rich soil. Between this flat country and the lower falls of the rivers lies a belt of land, about 40 miles wide, consisting of small sand hills covered with pitch pine. The lower falls of the Roanoke are about 10 miles above Halifax; those of the Pamlico, 15 miles above Tarborough; those of the Neuse, at Smithfield; and those of the Cape Fear river, some distance above Fayetteville. Beyond these falls the country is a land of hills and vallies; further back, it becomes mountainous.

Wheat, rye, barley, oats, flax, and hemp, thrive in the back hilly country; Indian corn and pulse of all kinds in all parts. Cotton is extensively cultivated in the middle of the State; some of the swamps in the low country produce rice. The Dismal is supposed to contain one of the most valuable rice estates in America.

The natural growth of the low country is pitch pine, valuable not only for its timber, but for its pitch, turpentine and tar, which constitute one half of the exports of the State. The swamps abound with cyprus and bay trees. No country produces finer white and red oak for staves. The live oak, so



called from its being green all the year, and which is so valuable in ship-building, grows in this State. The medicinal plants are ginseng, Virginia snake-root, Seneca snake-root, and Carolina pink.

*Minerals.* A little south of Salisbury, in the bottom of Meadow Creek a small stream emptying into the Pedee river, gold has been picked to the amount of many thousand dollars. It was discovered first in 1803, by a boy exercising himself in shooting small fishes with a bow and arrow. The masses were of different sizes, from very small grains to the unexampled bulk of a lump weighing 28 pounds: In the year 1804, *eleven* thousand dollars of the gold coin issued from the mint of the United States, were of this native gold.

*Manufactures.* The manufactures of North-Carolina are unimportant. They consist chiefly of iron and of cotton, which is manufactured pretty extensively in families for common clothing and for the use of the slaves.

*Commerce.* There is no great mart or trading place in this State, owing probably to the difficulty of entering the rivers, by reason of bars, of sand, and the want of safe, sufficient harbours. Most of the produce of the back country, consisting of tobacco, wheat and maize, is carried to Petersburg in Virginia, and to Charleston in South-Carolina. The exports of the low country are lumber, pitch, tar, turpentine, and rice. Apples, cider, cheese, potatoes, furniture, hats and shoes, are imported from New-England; foreign merchandise chiefly from New-York.

*Roads and Canals.* The roads in this State have been much neglected, and are but illy accommodated with bridges. A canal has been constructed around the lower falls in Cape Fear river, and another commenced at the falls above. Chesapeake and Albemarle canal is partly in this state.

## V

### TOWNS AND PEOPLE

Guthrie devotes considerable space to tell about the towns and the people of the State. He says New Bern, our largest town in 1815, had about 3,600 inhabitants. Morse puts the population of New Bern in 1810 at 2,467. And Adams says that 1,298 of the 2,467 inhabitants were slaves. After asserting that New Bern is our largest town, Guthrie assigns to Wilmington 3,758 inhabitants, more people than lived in New Bern. But Morse says that town had 300 houses in 1810 and only 1,689 inhabitants. And all three books do not even mention Hickory, Statesville, High Point, Winston, Greensboro, Wilson, Goldsboro and many other towns well known in present day North Carolina affairs.

Those among us who are inclined to hark back to the "good old days" will possibly not derive much comfort from these three old geography books. Adams thinks that "idleness and dissipation

were formerly traits in the character of the people of North Carolina," but that "a spirit of reform however, has been introduced among them since the Revolution." Guthrie undiplomatically writes that "North Carolinians are accused of being rather too deficient in the virtues of temperance and industry."

Certainly these old books did not afford any substantial basis for our ancestors to brag about the size of their towns or the quality of the people of their State. But it will be more interesting to read what those books actually did say about us 115 years ago than to read my comments.

### 1. *Guthrie on Towns and People*

*Population and Militia.* The number of inhabitants in North Carolina in 1790, was 393,751, of whom 100,571 were slaves; in 1801, 478,103 including 133,296 slaves; and in 1810, 563,526, including 202,243 slaves. The increase of population from 1790 to 1810 was 85,523. The militia is 50,000.

*Character and Manners of the Inhabitants.* The people of North Carolina live in ease and plenty, and the more wealthy class in a considerable degree of luxury and refinement. Poverty is here almost an entire stranger; and the planters are the most hospitable people that are to be met with, to all strangers, and especially to such as, by accidents or misfortunes, are rendered incapable of providing for themselves. The general topics of conversation among the men, when cards, the bottle, and occurrences of the day do not intervene, are negroes, the prices of indigo, rice, tobacco, &c.

The North Carolinians are accused of being rather too deficient in the virtues of temperance and industry; and a strange and very barbarous practice prevailed among the lower class of people, before the revolution, in the back parts of Virginia, North and South Carolina, and Georgia, called gouging\*: but we have lately been informed that it is now a rare thing to hear of such brutalities.

*Chief Towns.* Newbern is the largest town in North Carolina, and was formerly the residence of the governors, one of whom (governor Tryon) built a splendid palace on the banks of the Trent river, which has been burned. There are several brick dwellings, some of which have claims to elegance, but the principal part of the houses are of wood. There is a brick church for the Episcopalians, and two of wood, for the Methodists and Baptists. The other public buildings are, an Academy, Court-house, and Masonic Hall. The latter combines under its roof a Theatre, Assembly room and Lodge room. The latter room contains portraits of many of the most dis-

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\*The delicate and entertaining diversion, with propriety called gouging, is thus described. When two boxers are wearied with fighting and bruising each other, they come, as it is called, to close quarters, and each endeavors to twist his forefingers in the earlocks of his antagonist. When these are fast clinched, the thumbs are extended each way to the nose, and the eyes gently turned out of the sockets. The victor for his expertness receives shouts of applause from the sporting throng while his poor eyeless antagonist is laughed at for his misfortune. But this practice is hardly more brutal than the boxing matches in England, which to this day are patronized by the nobility and gentry.

tinguished members of the lodge. The theatre is handsome, but has no company, and itinerants receive but little encouragement to visit it. The court-house is a new building, three stories high, with a handsome spire. Newbern has about 3,600 inhabitants. Wilmington is the principal sea port in the state, and contains 3758 inhabitants. Edenton was formerly the residence of the provincial governors, and a place of considerable trade, but it is on the decline. It contains 1709 inhabitants. Fayetteville, situated on the waters of Cape Fear, is the commercial town in the State, and the principal market for tobacco. It has risen from the forest in the space of a few years, and now supplies a large part of the state with foreign merchandise. It contains near 2000 inhabitants. Windsor is an old town on Cushie river, rather on the decline, famous for shipping great quantities of tar, pitch and turpentine. Beaufort, in Carteret county, is situated on one of the only two good harbours in the state. Its entrance is defended by a fort, garrisoned by United States Troops. The town is about a mile long, but the houses are very much scattered not amounting to more than 40 or 50. It carries on a considerable business in building small vessels, which for strength, durability and beauty, are seldom surpassed. Washington, in Beaufort county, is a thriving place, and has a busy trade. It owns nearly half the shipping belonging to the state. Salem, in Stokes county, is a handsome town, settled by the Moravians. Edenton, Wilmington, Halifax, Hillsborough, Salisbury, and Fayetteville, have each in their turns been the seat of the general assembly. Raleigh, situate near the centre of the state, has been last established as the metropolis. The situation is pleasant and healthy. The statehouse is a solid structure, and has some elegance. Its appearance has been lately improved by the addition of a steeple. The governor's residence is a mean looking, wooden building. It contains 976 inhabitants.

## 2. *Morse on Towns and People*

*Cities and Chief Towns.* The city of Raleigh is the seat of government. The legislature of the state has appropriated large sums for the purpose of erecting public buildings. In 1800, the city contained only about 81 houses, but the number has since much increased.

Newbern is the largest town in the state. It stands on a sandy point of land, formed by the confluence of the Neuse and Trent rivers, and contains 2467 inhabitants.

Edenton stands on the north side of Albemarle sound, containing 150 in-different wood houses, with a few handsome buildings, and has 1302 inhabitants.

Wilmington is a town of 300 houses, and 1689 inhabitants, standing on the east side of the eastern branch of Cape Fear river, 34 miles from the sea.

Hillsborough is a pleasant inland town, 180 miles northwest from Newbern, with 474 inhabitants.

Salisbury is agreeably situated near Yadkin river, with 645 inhabitants.

Fayetteville, the largest inland commercial town in the state, is on the west side of Cape Fear river, which is navigable to this place, and has 1,656 inhabitants.





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ERRA LINCOLN, PRINTER.

Sept. 1829.

Halifax, on the banks of the Roanoke; Washington, in the county of Beaufort; Greenville, so called after Gen. Green, in Pitt County, and Tarborough in Edgecomb county, are the other chief towns.

### 3. *Adams on Towns and People*

*Inhabitants.* The inhabitants, as in Virginia, mostly reside on their plantations, at the distance of from half a mile to three or four miles from each other. Most of the labour in the low country is done by slaves. Idleness and dissipation were formerly traits in the character of the people of North Carolina. A spirit of reform, however, has been introduced among them since the revolution.

*Towns.* In this State, as in Virginia, there are no large towns. Newbern, the largest town in the State, in 1810, contained 2,467 inhabitants, of whom 1,298 were slaves. The public buildings are an Episcopal church, a court-house, a theatre, and a gaol. It carries on a considerable trade with the West-Indies.

Raleigh is the seat of government. It is divided by four spacious streets into as many squares, and contains about 120 houses, and upwards of 1000 inhabitants.

The other principal towns are Fayetteville, the best situated inland town for commerce in the State, inhabited by Scotch Highlanders, who speak their native language; Wilmington, a place of considerable trade; Edenton, well situated for commerce, but not for health; Hillsborough, in a healthy and fertile country; Washington, in which more shipping is owned than in any other town in the State.

## VI

### EDUCATION, GOVERNMENT AND RELIGION

It is interesting to note that Guthrie says that the college at Chapel Hill "has been usually, through improperly, denominated a university." And, of course, there is no word about public schools, for we had none in those "good old days." Davidson, Duke, Wake Forest, Elon and all our other colleges were hardly dreamed of in that distant time.

#### 1. *Guthrie on Education, Government, History and Religion*

*College, Academies.* The general assembly of North Carolina, in 1789, passed a law, incorporating forty gentlemen, five from each district, as trustees of the university of North Carolina. In 1791, they loaned the trustees 5000£ to enable them to proceed immediately with their buildings. The site they fixed upon was Chapel Hill, in Orange county, where they erected a college, which, from the title and powers of the board of trustees, has been usually, though improperly, denominated a university. It has a president, who is a professor of sciences, a professor of languages, and two inferior tutors. There are usually sixty or seventy students in the college,

and half that number in a grammar school in the village, that is under the superintendence of the president. There is an academy at Raleigh, which has two handsome wooden buildings, one for male, and the other for female students. There are academies at Fayetteville, Warrenton, Louisburg, Asheville, Buncombe county; Wilkesborough, Springhill, Lenoir county; West-rayville, Nash county; Vinehill, Halifax county; Murfreesborough and Lumberton. There are also two academies in Caswell county, and one at Mineral Springs in Warren county. But the most flourishing academies in the state are at Newbern and Edenton. The funds of these are ample and permanent. The others have no certain means of support, and one that is flourishing this year will not be in existence the next. There is a female academy in Warrenton, which is said to be one of the best schools for young ladies in the United States. It has usually about 80 scholars. In Salem there is a young ladies boarding school, kept by the Moravians on the same plan as the Moravian school at Bethlehem in Pennsylvania. It has about sixty students.

*Government.* The constitution of this state resembles that of Virginia. The executive authority is vested in a governor and council, who are elected annually by the legislature or general assembly. The governor must have resided in the state 5 years, and possess a freehold worth 1000£. He has the power to grant pardons, except for crimes prosecuted in a supreme court for mal-administration. The general assembly consists of a senate and house of commons. The members must be freeholders, and prove their residence in the state one year before the election, if required. Conjointly they make all laws, and appoint to all the important offices of the commonwealth, civil and military. The judges are appointed by the general assembly, and hold their commissions during good behaviour. The electors of the senate must be freeholders; but all residents of one year who have paid taxes, may vote for members of the house of commons. The state sends 2 senators and 13 representatives to the general congress.

*Religion.* The methodists and baptists are numerous and increasing in North Carolina; the Moravians have several flourishing settlements in the upper part of this state; the friends or quakers have a settlement in New Garden, in Guilford county, and several congregations at Perquimins and Pasquotank; and there are not a few presbyterian congregations. The Episcopalians who were the original settlers of North Carolina are reduced to a small number.

*History.* The first regular settlement was made in North Carolina in the year 1680, in Perquimons county, on the north side of Albemarle sound, by emigrants from Virginia, and there the first general assembly was held. Thence the population gradually flowed southwardly. A settlement was made at Newbern about the year 1720, by a number of Palatines from Germany, who had been reduced to circumstances of great indigence by a calamitous war. The infant colony remained under the general government of South Carolina till about the year 1729, when seven of the proprietors, for a valuable consideration, vested their property and jurisdiction in the crown; and the colony was erected into a separate province, by the name of North Carolina, and its present limits established by an order of George II. Lord Car-



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1816.



teret, one of the original proprietors, chose to retain his right of one eighth; and in 1740 it was laid off for him and described as extending from the latitude of 35 34' to the southern limit of Virginia; and from the Atlantic to the Pacific Ocean. North Carolina joined zealously in the war of independence, and sent 3 delegates to meet the general congress at Philadelphia in 1774.

## 2. *Morse on Education*

*Education.* The general assembly of this state incorporated 40 gentlemen, five from each district, as trustees of the University of North-Carolina. This university is established at Chapel Hill, in Orange county; it has a professor of science, a professor of languages, three tutors, and 100 students. There are several very good academies; one at Warrenton, one at Fayetteville, etc.

## 3. *Adams on Education, Government and Religion*

*Religion.* The chief religious denominations are Presbyterians, Episcopalians, Methodists, Baptists, Quakers, and Moravians. No person denying the being of a God, or the truth of the scriptures, can hold any civil office.

*Literature.* On Chapel Hill in an elevated situation, 28 miles west of Raleigh, is North Carolina University, the only one in the State. Academies are established in a number of towns, and schools in many places.

*Government.* The legislature is styled the General Assembly and consists of a senate and house of representatives, chosen annually by the people. The governor is chosen annually by a joint ballot of both houses, and is eligible to office 3 years in 6.

Such is the picture of the North Carolina of 110 years ago, as set forth in the three geography textbooks most widely used in the schools of that day. That picture will possibly aid some one to appreciate a bit more keenly the real North Carolina of 1925.

# SOME NORTH CAROLINA TRACTS OF THE 18TH CENTURY: VI & VII

BY WILLIAM K. BOYD, *Duke University*

## VI

"THE PETITION OF REUBEN SEARCY AND OTHERS" (1759) AND  
GEORGE SIMS'S "ADDRESS TO THE PEOPLE OF GRANVILLE  
COUNTY" (1765)

### INTRODUCTION

The Regulator movement is a familiar theme in the history of North Carolina and needs no extensive description or comment. It was an organization of protest formed in the western counties in 1768 against the character of the local administration, which finally resulted in revolt. Its background was the scarcity of money, the incidence of taxation, and the land policy of the Granville District.<sup>1</sup> Prior to the Regulation there was the Sandy Creek Association of 1766, and earlier than this were two protests in Granville County, one sponsored by Reuben Searcy, the other the work of George Sims.

*The Petition of Reuben Searcy and Others* was presented to the County Court of Granville on March 23, 1759. The burden of its complaint is the conduct of Robert (Robin) Jones Jr., Attorney General of North Carolina, in that his fees were extortionate and that he had prevented the appointment of justices of the peace for the upper part of Granville. The fee question was nothing new; it was chronic throughout the colonial period and was one of the leading complaints of the Regulators. Regarding the appointment of justices, the facts were as follows: In 1765 the justices commissioned for Granville refused to serve because the name of Robert Harris had been stricken from the list of nominees, and upon investigation by Jones they declared that the entire list must be purged. Thereupon Jones recommended to the Governor and Council that fourteen out of the twenty-three appointees be dropped

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<sup>1</sup> See the standard discussion by Bassett, J. S., *The Regulators of North Carolina (Annual Report, American Historical Association, 1894, pp. 141-312)*.

and that six new names be added to the list; in this manner the upper part of the county was slighted.

Developments following the Searcy petition were full of interest. It is probable that Searcy was prosecuted for libel, but there is no record of such action.<sup>2</sup> By the following May the trend of events made Jones exceedingly unpopular. This was due to the Enfield riot and its consequences. In November 1758 certain groups of people, dissatisfied with the excessive fees and the general maladministration in the land office of Earl Granville, petitioned the Assembly for redress. Although there was an investigation, which ultimately led to the dismissal of Francis Corbin, Granville's agent, the only immediate result was a publication of the fees charged by that official. Thereupon a mob was organized, which late in January 1759 rode to Edenton, seized Corbin, carried him to Enfield and there made him agree to appear at the next term of Granville court to stand trial for extortion. Thus certain people took the law into their own hands. If they should be prosecuted, the prosecutor would be Robert Jones, the Attorney General, and it is probable that at that time he was also prosecuting Searcy for libel. Consequently threats were made against him, and in May he informed the Governor and Council under oath that "he had heard it was intended by a great number of rioters to petition the court at Granville to silence him, the deponent, and that if no such order was made, to pull deponent by the nose and also to abuse the court." The Assembly recommended that the Governor take measures to suppress the unruly spirit in Granville, if necessary to use the militia. Governor Dobbs did issue a proclamation and certain persons were arrested, but the mob broke into the gaol and released them. Francis Corbin undertook to bring suit against the rioters but desisted when he was informed that litigation would disclose the fact that he had done things unwarranted by the law.

Such is the story of discontent in Granville before 1765. In that year the cause of the people found a new champion in the person of George Sims, who wrote *An Address to the People of Granville County*. Again the burden of complaint is excessive fees, the ex-

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<sup>2</sup> Hermon Husband, *Impartial Relation*, etc., p. 9.

tortionate fees of the lawyers and the arbitrary fees of Samuel Benton, clerk of the Court; and in addition to fees, the collusion of the official class with creditors in making execution against property for debts. The document thus calls to mind the grievances of the Regulators. However Sims expresses full confidence in the British constitution, the colonial Assembly, and the county justices, and he seeks redress from the justices. In contrast the Regulators lost faith in the Assembly and the judiciary. It is interesting to note that the Sims address was quoted by Hermon Husband, chief agitator of the cause of the Regulators, and that the only complete copy which exists is one sent by Sims to Thomas Person, prominent Granville politician and one of the Regulators. Husband also states that Sims was indicted for libel and that the suit against him was still pending in 1771.<sup>3</sup>

Regarding the personalities associated with these documents, our information is not very extensive. Reuben Searcy was prominent in the public affairs of Granville County. In 1760 he was summoned before the Assembly and reprimanded for tampering with the county elections. In 1763 he was sheriff of Granville, and from 1771 to 1783 he was county clerk. Robert (Robin) Jones Jr., whom he severely criticised, was a resident of Northampton County. He was Attorney General of North Carolina from 1756 to 1766, and in 1761 he became agent and receiver general for Earl Granville. He was also a member of the Assembly from Northampton, from 1754 to 1761, and he was again elected to that body in 1766 but died before taking his seat. He was survived by two sons, Allen and Willie, who gained distinction during the Revolution.

Very little is known of George Sims. His family was among the early settlers of Granville, having lands on the Tar River, and its name was borne by a road and a ferry. One member of the family, Joseph Sims, was militia captain in 1750 and another, Benjamin, was inspector of the government warehouse in Granville. In 1790 George Sims appears in the census records as a tax payer of Caswell County. Far more prominent was Samuel Benton, the official whom Sims denounced. He was a justice of the peace from 1752 to 1755

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<sup>3</sup> *Fan for Fanning and Touchstone for Tryon*, p. 13.

and in 1763 and 1764; he was clerk of the county court from 1765 to 1770; member of the Assembly for every session from May 1760 to 1768, inclusive; a commissioner to build Granville Court House; and also a member of the militia. He died in 1770. Thomas Hart Benton was his grandson.

*The Petition of Reuben Searcy and Others* was disclosed by the late Thomas M. Owens, of the Alabama Department of Archives and History, and was published by Professor Archibald Henderson in the *American Historical Review*.<sup>4</sup> Sims's *Address*, although quoted by Hermon Husband, was unknown in any complete form until published by Professor Henderson from a manuscript copy in the possession of the North Carolina Historical Commission.<sup>5</sup> Both documents are here reprinted with the permission of the Managing Editor of the *American Historical Review*; and to Professor Henderson's notes I am indebted for certain biographical data which he found in the local records of Granville county.

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(a)

THE PETITION OF REUBEN SEARCY AND OTHERS, MARCH 23, 1759

To the Worshipful Court of Granville County Greeting. The Petition of Sundry of the Inhabitants of the County aforesaid. We his Majesties true and faithful subjects humbly beg leave to shew your worships that notwithstanding the many Liberties Rights and Privileges granted us by his Majesty King George the Second etc. whose subjects we are and whose person Crown and dignity we are ready and willing now and at all other times to defend and do with the greatest sincerity profess true obedience and loyalty, but Liberty that dearest of names and Property that best of charters, seems to be too much detracted, as we verily believe by the illusive insinuations of Mr. Robert Jones, Jr. Therefore your Petrs. humbly pray your worships to take the same into your wise and deliberate considerations and as far as in your powers lie, redress and relieve your Petrs. with many others from his unjust impositions and exorbitancy. Therefore to proceed in the first place that eloquent Gen-

<sup>4</sup> *Origin of the Regulation in North Carolina*, Vol. XXI, No. 2 (January, 1916), p. 320.

<sup>5</sup> *Ibid.*



tleman through his wiles and false insinuations to which art and chicanerie he owes his great success and high preferment in this Province that we your petitioners verily believe has not only impos'd on the inferior class of mankind but has likewise impos'd on his Excellency Arthur Dobbs Esqre. Governor etc., of this Province together with his Majesties' Honourable Council that notwithstanding their wise and mature consideration together with their just honest and righteous intentions for the benefit and welfare of the inhabitants of this our Province in general, yet that gentlemen thro' false and unjust Representations in matters relating to our County of Granville hath prevailed on his Excellency and Honours aforesd to issue a Commission of Peace for our said County thereby leaving out of said Commission several worthy gentlemen that were very serviceable and beneficial to our said County and more especially to the upper inhabitants thereof for the lack of which magistrates or a sufficient number of such your petitioners labour under great disadvantages and inconveniences and also Justice likely to be much retarded which certainly is very disagreeable to your worships as well as petitioners. And furthermore the Legislature of the Province have in their wise and deliberate consideration allowed and stated a set fee very sufficient for an Attorney practising in our said Province to have and receive for his care and trouble in prosecuting Suits in any of our Courts of Judicature but Mr. Jones instead of the fee allow'd by law frequently demands and receives double that fee without any matter or remorse of conscience, so that it has become a general practice and custom among chief of our Attornies, and by the great volubility of speech and the superiority that he by his wiles insinuations and chicanerie as aforesd has insinuated himself into, very frequently works on the passions of weak juries to blind their conception of Justice in order to gain his point so that men flock daily to him to comence very trivial and frivolous lawsuits which tends to the great disadvantage and prejudice of our inhabitants for all which insults and injuries your petitioners humbly beg your worships to exclude and prohibit the sd Mr. Jones from pleading at our barr for the future and your petitioners as in duty bound shall ever pray.

(b)

AN ADDRESS TO THE PEOPLE OF GRANVILLE COUNTY  
BY GEORGE SIMS"Save my country, Heaven!" shall be my Last. *Pope*<sup>1</sup>

Dedicated to Capt. Thomas Person

by his

Obt. Hmble Servt.

G. SIMS.

TO CAPT. THOS. PERSON:<sup>2</sup>

SIR:

The honour you do me by requesting a copy of my address to the inhabitants of Granville County does not raise my vanity to such a height; but what I am mortified down to the lowest degree imaginable, at the thoughts of granting your request. Not, because it contains any thing, either false, or criminal. I wish from my heart the facts therein related were not so notorious as they are: But the mortifying reflection is this, I wrote it for the common people to understand, and therefore took not the pains to be methodical, as I should have done, if I had known, or imagined, it would ever have come within the Scrutiny of Gentlemen. I do not intend by this Sir, to insinuate that I could write so methodically, as to stand the test of a critic, or in other words to commence author. Were I to entertain such a vain conceit, I should be afraid the very trees in the forest, rocks, hills, and vallies, would all resound the echo of that vain thought to my eternal shame and confusion. But, forasmuch as the facts treated of, whether generally, or particularly, are so notorious, and the conclusions so natural, that, it is no hard matter for me to compose a subject of this nature methodically enough to bear at least a perusal among Gentlemen, who are acquainted with my Circumstances. Because where nothing extraordinary can reasonably be expected, no great disappointment can happen, if nothing extraordinary be found. However, as I had not the presence of mind to make these reflections before it was too late, I gave you my promise, from which I cannot now in honour recind, therefore, I have this request to make, which I hope you will be candid enough

<sup>1</sup> *Moral Essays*, ending of Epistle I.<sup>2</sup> A member of the Assembly from Granville County in 1764 and later a Regulator, a Patriot in the Revolution, and an Anti Federalist in 1788. See the excellent essay by Weeks, S. B.; *Thomas Person*, in *Biographical History of North Carolina*, vol. VII.

to comply with; I do imagine, that you will communicate it to Gentlemen of penetration, and as I am positive, that, it will not bear criticising on; either in the orthographical, or grammatical perfections, I insist, that, at your leisure, you would correct those deficiencies, which are too egregious to bear the sight of a Critic at ten yards distance, that is if you intend to shew it to any Gentleman, who has not yet seen it. Otherwise, I do not care, since you are acquainted with the Author, you will easily look over the imperfections of the performance without censure; Since you cannot expect any accurate performance from so small abilities, which, however small, the person who is endowed with them, is proud of nothing more, than the honour of subscribing himself your very hble Servt.

G. SIMS.

N. B. I imagine it may be a matter of mirth to some Gentlemen to see my writing appear in the method of an Author, having a dedication prefixt. However let such remember, that as to the subject, I write the truth, and as to form, I write in my own Style.

GENTLEMEN, you are chiefly strangers to me, there are very few of you, that I am personally acquainted with, and I imagine that some of you begin to wonder, what I am going to offer to a company of men that I know nothing of. However, Gentlemen, when I consider myself as a member of Granville County, I am no longer a stranger among you, but a brother of that community to which you all belong, and as such, I look upon it as my indispensable duty, to exert myself in vindication of those rights and privileges which our Constitution has endowed us with, when either persons or things endeavour to destroy them, and as this is evidently the case at this present juncture, I think it is high time we should all exert ourselves, in our defence against the common evil, which has almost overrun our land, and this is the motive Gentlemen, which induced me to desire a convention, and an audience of you, that I may lay before you, those grievances which oppress our land. Not, because you do not know it Gentlemen; but, because you do, and that by knowing it, you may the more chearfully join with me, in such methods as I shall propose, for the recovery of our native rights and privileges and to clear our country of those public nuisances which predominate with such tyrannical sway. And, I hope to see you all unanimously zealous and combine as one man to throw off the heavy yoke,

which is cast upon our necks, and resume our ancient liberties and privileges, as free subjects. Who under God are governed by his august Majesty George the third, whom God preserve. And in order to explain myself on this subject, I shall undertake 1st. To explain what law is, when abstractedly considered. 2ndly. The utility or use of every human negative, and positive law. 3rdly. I shall undertake to shew the most notorious and intolerable abuses, which have crept into the practice of the law in this Country. 4thly. The mischief which necesarrily flows from, or follows the abuse of the law, and the absolute necessity there is for a reformation. 5thly. Propound such methods to effect this reformation as appears to me most probable of success. And, Lastly, I shall recommend the whole to your serious consideration, and insist that we be no longer strangers when the common evil, which we groan under, calls so loudly for our interposition. Therefore let us unite as brothers of one community, to recover our privileges, which are trampled under foot, by a handful of wretches, who are fitter for halters than Officers<sup>3</sup> of a Court. In the first place it is no hard matter to explain what law is; neither is it very material to my purpose whether I explain it or not; but as I promised to do it, and, because it may in some sort give us an idea of laws in general, and their obliging power; I shall explain it in the words of the learned Mr. Dawson,<sup>4</sup> who in his treatise of the origin of law, Says, That law is the rule of acting, or not acting, laid down by some intelligent being, having authority for so doing. This, Gentlemen, though it is short, yet it is a comprehensive description of all laws, whether divine or human, whether natural or revealed, negative or positive. And, without entering into definitions of particular laws, or tedious observations on the nature and property of Laws, I shall descend to the second proposal which was to shew the general utility or use of laws. And I may venture to affirm that the laws of all well regulated Societies will aptly fall under one of these three general heads or divisions. 1st. To secure men's persons from death and violence. 2ndly. To dispose of the property of their goods and lands. And 3rdly. For the preservation of their good names from shame and infamy.

<sup>3</sup> Let it be remembered that whenever I mention Officers of the Court (which is a summary comprehension of the ministers of Justice if largely taken) I mean no more than Clerks, Lawyers, and Sheriffs, and not the Wpl. members of the Bench, whose authority I revere, and hold them in the highest veneration.

<sup>4</sup> George Dawson, *Origo Legium; or a Treatise of the Origin of Laws, and their Obliging Power*. (London, 1694.)



Under one of these three general heads, I say the laws of all well regulated societies will aptly fall; The further any system of law deviates from these great and general ends, the nearer it approaches to those systems of law, which are the productions of despotism and tyranny. But we are the people Gentlemen, who have the happiness of being born under one of the most perfect forms of government in the known world. We are a part of that stupendous whole, which constitutes the glorious, and formidable kingdom of Great Britain. The Sceptre of which is swayed by his present Majesty, George the third, of the royal house of Hanover, and right heir to the crown, and royal dignity, according to a Protestant succession, settled by an act of parliament in the reign of Queen Ann of blessed Memory. We are the subjects, I say, of this august monarch, who in conjunction with the united power and authority of the Lords spiritual, Lords temporal, and house of Commons, maintain and uphold this inimitable System of law, which his royal ancestors, and their predecessors, have from time to time enacted, and established for the safety of his kingdom, and the benefit of his leige subjects, by securing our person from death and violence: By disposing of the property of our goods and lands, and by providing methods for the preservation of our good names from shame and infamy. All these privileges, Gentlemen, we dare to call our own, under the protection of that (almost) immutable system of law, which is confirmed by the triple combined authority of the King, Lords, and Commons, as you have heard before and transfered by them to all his Majesty's plantations in North America, and else where as a model to form their laws by, and as a touchstone to try the validity of such laws, as shall be enacted by any Legislative power, within his Majesty's extensive Dominions.

This, Gentlemen, is the inexhaustible fountain, the source whence we draw our claims to these privileges that our situation as free subjects undoubtedly entitles us to, And that we may be provided with such laws, as the particular circumstance of our province, may from time to time require.

We have an assembly, which somewhat resembles that grand tripartite conjunction of the King's authority, Lords, and Commons. Here we have a Governor, Council, and an Assembly of Representatives chosen by the populous to enact laws for the benefit of the Commonwealth, as occasion may require it conformity to the laws



aforesaid. And I suppose, they have answered those ends, and whether they have, or have not, is a matter, which I shall not now undertake to determine. However, we have a set of laws peculiar to this Province, for a System I cannot call them, because they are mostly temporary and subject to change.

There is none that I know of, if they were honestly complied with, that would not answer the end intended by our great Legislature at home; except, it be some petit private acts in favour of some particular persons, who by false insinuations and sinister practices have obtained the same, which, I shall treat of in their proper places. Well, Gentlemen, it is not our mode, or form of Government, nor yet the body of our laws, that we are quarrelling with, but with the malpractices of the Officers of our County Court, and the abuses which we suffer by those empowered to manage our public affairs; this is the grievance, Gentlemen, which demands our solemn attention, and in order to make it evident, I shall according to my promise in the third place shew the notorious and intolerable abuses which have crept into the practice of the law in this county, (and I do not doubt in the other counties also, though that does not concern us). In the first place, it is well known, that there is a law which provides that a lawyer shall take no more than 15/ for this fee in the County Court. Well, Genl. which of you have had your business done for 15/? Do not the Lawyers exact 30s for every cause, and 3, 4, or 5 pounds for every cause that is attended with the least difficulty? Yes: they do Gentlemen, and laugh at our stupidity and tame submission to these damned extravagancies. And besides the double fees, which they exact from you, do they not lengthen out your law-suits, by artifices and delays, so long as they perceive you have any money to grease their fists with? And numberless other devilish devices to rob you of your livings in a manner diametrically opposite to the policy of our State, and the intention of our Legislature. I dare engage for you all, Gentlemen in the affirmative, I believe there is none here at present, but what must acknowledge that this is exactly the Case. Well, Gentlemen, if there were no more public evils, this, alone is sufficient [in] a little while to ruin our Country in these litigious times. But hear another evil greater by far, if possible. Mr. Benton in his former, and in his present capacity, is a subject worth a particular scrutiny. View him but in his former, and then view him in his present capacity, and make an estimate of

the services he has done you, in requital for the favour you did him by taking him out of prison, or what was next door to it, and sending him Burgess. He was universally esteemed a person calculated for what is called a poor mans Burgess, and indeed he has proved a poor mans Burgess, he forgot that you sent him to do your business, Gentlemen, his mind (like his eyes) is turned inward, and all his transactions below have been for the benefit of that dear self of his, which is so much in his own good graces, that he is plundering his County to enrich that dear object! You had a great deal of reason, I acknowledge, Gentlemen, to imagine that a person who had suffered by the malpractices of others would make a benevolent patriot, when in a public capacity; but how much have probabilities deceived you; judge ye!

He is Colo. Benton, now chief Officer in our military affairs, he is Clerk Benton, chief Clerk of our County Court, in which double capacity I believe, Gentlemen, there is None [of] us that envies him, but in the execution of his office. I believe there are none of us that have the good of the Commonwealth at heart, but must resent the usage he gives us here. The Clerks tell us their is no law to ascertain their fees, and therefore they are at liberty to tax our bills as they please, and the misfortune is Gentlemen, that we are obliged to pay it, be it what it may; I think, Gentlemen, if there be no law to ascertain the Clerk's fees, there is no law to compel us to pay any fees at all. However, let us see what advantage Benton the poor mans Burgess makes of this deficiency in our law, if you give a judgment Bond for five pounds only, and this Bond goes into Court, the Clerk for only entering it on the Court doequet and issuing an Execution, charges you with forty one shillings and five pence, I had it from Benton's own mouth, at which time he vapoured as high, and with the same confidence that a fighting gamester has, who is endowed with courage of a highwayman, with oaths and execrations that he had taken it and would take it.

However, Gentlemen, I hope you will disappoint him, I am determined till he produces law that shews me what the fees are, to pay no fees at all, and I hope you will all follow the example, and see where Benton will get his obliging power to compel us to pay them. All these abuses are founded upon so false a basis, that [the] least resistance will overturn the whole mass. For, where there is no law,

there is no transgression in not complying with the arbitrary demands of a lawless Officer, and where the law gives a right, the same law will give a remedy, when this law is violated, and that our rights and privileges are violated in the highest degree is manifest, not only from what has been said, but from the daily practice of our Officer. It is time, and high time, Gentlemen, that we should endeavour to save our sinking County from the impending ruin, which will be the necessary consequence of these cursed practices. I told you Gentlemen, I would undertake to sum up the abuses, which have crept into the practice of the law in this County. I have indeed undertaken it, but if my paper would permit, I am positive your patience would not. To say all that might be said on this subject alone would fill a large volume; therefore, I must abridge the catalogue, that I may perform my promise in other particulars; but remember by the way, the hardships that we suffer by building the courthouse etc. for Benton to bring grist to his own mill: But I shall treat of this subject with an instrument prepared to regulate this hardship.

And therefore I shall proceed to the 4th proposal, which was to shew the mischief that naturally flows as a consequence from these cursed practices, and whatever I say Gentlemen, to illustrate this melancholy subject. Need I mention one instance to set forth the misery which we groan under? Does not daily experience shew us the gaping jaws of ruin, open, and ready to devour us? Are not your lands executed your negroes, horses, cattle, hogs, corn, beds, and household furniture? Are not these things, I say, taken and sold for one tenth of their value? Not to satisfy the just debts which you have contracted; but to satisfy the cursed exorbitant demands of the Clerks, Lawyers and Sheriffs. Here they take your lands which perhaps are worth four or five hundred pounds, and sell them at public vendue for about forty or fifty pounds. And who buys? Why the same villians who have taken your negroes and other personal estate, and have the County's money in their hands. This has furnished them with money to buy off the rest of your livings, at the same rates as you have heard. It is reasonable Gentlemen, that these Officers should be allowed such fees, as may give them a genteel maintenance, but then is it reasonable that they should rob the County to support themselves in such damned extravagancies, and laugh at us for being

such simpletons as to suffer it? No: Gentlemen, there is no reason that I know of; except they want to reduce us down to that despicable state whence they rose, and a pitiful estate it was, Gentlemen. There were none of our arbitrary Governors, whose descent were not as obscure, and dispicable, as their transactions in a public capacity have been base and illegal. But it is a received maxim among the unhappy subjects of electoral Dominions, that they have the most to fear from a King who hops from the dunghill to the throne. But to return from my disagreeable digression, let us make an estimate of the difference between getting our livings by honest industry and getting them by these cursed practices. We will suppose ourselves all to be men, who labour for our livings, and there is a poor man among us, who has dealt for about 4 or 5 pounds in such things as his family could not possibly do without, and in hopes of being spared from the lash of the law till he can sell some of his effects to raise the money; he gives a judgment bond to his Merchant, and before he can accomplish his design his bond is thrown into Court, and Benton the poor mans Burgess has it to enter on the Court docquet and issue an execution the work of one long minute. Well, Gentlemen, what has our poor neighbour to pay Mr. Benton for his trouble? Why, nothing but the trifling sum of forty one shillings and five pence. Well he is a poor man, and cannot raise the money. We will suppose Mr. Benton condescends to come to terms with him. Come (says he) and work. I have a large field and my corn wants weeding (or something like that). I will give you 1/6 a day, which is the common wages of a labourer in these times till you pay it off because you are a poor man, and a neighbour I will not take away your living. Well how many days work has our honest neighbour to pay Mr. Benton for his trouble and expense in writing about a minute? Why, he must work something more than 27 days before he is clear of his clutches. Well the poor man reflects within himself. At this rate says he when shall I maintain my own family. I have a wife and a parcel of small children suffering at home and I have none to labour but myself, and here I have lost a month's work and I do not know for what, my merchant not yet paid, I do not know what will be the end of these things; however, I will go home, and try what I can do towards getting a living. Stay neighbour, you must not go home, you are not half done yet, there is a damned Lawyers



mouth to stop before you go any further, you impowered him to confess that you owed £5, and you must pay him 30/ for that, or, else go and work nineteen days for that pick-pocket at the same rate, and when that is done, you must work as many days for the Sheriff, for his trouble, and then go home and see your living wrecked and tore to pieces to satisfy your merchant.

Well Gentlemen, if this were the case, would it not be a melancholy thing? But it is worse by ten degrees than any thing that you have yet heard. It is not a persons labour, nor yet his effects that will do, but if he has but one horse to plow with, one bed to lie on, or one cow to give a little milk for his children, they must all go to raise money which is not to be had. And lastly if his personal estate (sold at one tenth of its value) will not do, then his lands (which perhaps has cost him many years toil and labour) must go the same way to satisfy these cursed hungry caterpillars, that are eating and will eat out the bowels of our Commonwealth, if they be not pulled down from their nests in a very short time, and what need I say, Gentlemen, to urge the necessity there is for a reformation. If these things were absolutely according to law, it would be enough to make us turn rebels, and throw off all submission to such tyrannical laws. For, if these things were tolerated, it would rob us of the very means of living, and it would be better for us to die in defence of our privileges, than to live slaves to a handful of Scapegallows, or perish for want of the means of subsistance. But, as these practices are diametrically opposite to the law, it is our absolute duty, as well as our Interest, to put a stop to them, before they quite ruin our County. Or, Are become the willing slaves of these lawless Officers, and hug our chains of bondage and remain contented under these accumulated calamities? No, Gentlemen, I hope better things of you, I believe there are very few of you, who have not felt the weight of their Iron fists and I hope there are none of you, but what will lend a helping hand towards bringing about this necessary work. And in order to bring it about effectually, we must proceed with circumspection, not fearfully, Gentlemen, but carefully, and therefore, it will be necessary to mention certain rules to be observed in our proceedings. And first, let us be careful to keep sober, that we do nothing rashly; but act with deliberation. Secondly, Let us do



nothing against the known and established laws of our land, that we may not appear as a faction endeavouring to subvert the laws, and overturn our system of government. But, let us appear what we really are, To wit, free subjects by birth, endeavouring to recover our native rights according to law, and to reduce the malpractices of the Officers of our Court down to the standard of law. For, we must remember that it is not the Body of our laws, we are fighting with, this would be the highest folly, since it is the known established law of our land, that is a bulwark to defend those privileges, which we are contending for, except there be any late private acts, that favour them in these devilish practices, if there be any such law, I say, Gentlemen, it deviates from the use of the law, which I cited to you in the beginning and consequently derogatory from the System of the laws of England, and so we are bound by no authority to submit to them, but there are no such laws that I know of. Thirdly, Let us behave ourselves with circumspection to the Worshipful Court inasmuch as they represent his Majesty's person, we ought to reverence their authority both sacred, and inviolable, except they interpose, and then Gentlemen, the toughest will hold out longest. Let us deliver them a remonstrance, setting forth the necessity there is for a suspension of court business, till we have a return from the Governor, in answer to the petition, which we shall send to his Excellency on the occasion. The remonstrance to their Worships, and the petition to his Excellency I have ready drawn, which I shall communicate to you after I have made my last proposal, which is this, I promised that the last paragraph should be a recommendation of the whole to your serious consideration, and insist upon some points necessary to be concluded on; but as all that has been said is so self evident, and the matter so important, that I am in hopes, you have all considered the subject, and made such conclusions as may inspire a resentment against the abuses which we suffer, therefore, my proposal is this, I am a stranger, I say to the chief of you. I have not moved in these matters out of any vain ostentation, or any private pique that I have against any of our arbitrary Governors, but a true zeal for the good of my County, was the only motive, which induced me; neither do I desire the preëminence in any thing among you, I am a stranger, I say, therefore it may be, that you have not that confidence in me, which you can repose

in some of your acquaintances whose resolution you know will answer the end of these undertakings. If so Gentlemen, name the man, I will be the first on his list to follow him through fire and water, life and death if it be required in defence of my privileges, and if you choose me for your leader I can do no more. Here I am this day with my life in my hand, to see my fellow subjects animated with a spirit of liberty and freedom, and to see them lay a foundation for the recovery thereof, and the clearing our County from arbitrary tyranny.

God save the King.

Nutbush<sup>5</sup> Granville County

6th June 1765.

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<sup>5</sup> The name of a settlement on Nutbush Creek, a small stream running through the northern part of the present Vance and Warren counties.

## VII

HERMON HUSBAND'S "REMARKS ON RELIGION"  
(1761)

Hermon Husband was undoubtedly the most prominent agitator in the Regulator movement. His personality is full of contradictions, his career the reflection of a turbulent and unsettled soul. He was not a native of North Carolina, but migrated to the colony about the middle of the eighteenth century from Maryland, where he was born in the year 1724. Apparently after a return to Maryland, he settled in the Deep River region of Randolph County (then a part of Orange). He was thrifty and prosperous, for during a period of ten years his land grants amounted to 8,000 acres. A member of the Society of Friends, he was disowned by that organization in 1764. His wealth and his associations with Quakerdom would tend to make him a conservative and peaceful, but he was at heart a radical, steeped in the new democratic ideas of the time, and so he became interested in the grievances of the Regulators. Yet in 1768 the Regulators declared that he was not a member of their organization; indeed when the officials of Rowan County agreed to submit the differences between them and the Regulators to arbitration, Husband was chosen one of the arbitrators. He was twice elected a member of the Assembly and was expelled from that body in 1769 on a charge of libelling Judge Maurice Moore; but when arrested for that offense the grand jury failed to indict. Six times, at least, during his residence in North Carolina he was in the toils of the law and as often escaped punishment. On the morning of the battle of Alamance, seeing that armed conflict was inevitable, he rode away. Afterwards he was outlawed by Governor Tryon and a price being on his head, he fled to Pennsylvania. There in his old age his radicalism again brought him into trouble. He was implicated in the Whiskey Insurrection, for which he was found guilty and sentenced to death; but President Washington pardoned him in 1795, and shortly afterwards he died.

From these facts it is safe to conclude that Husband was a man of ideas, never satisfied with the political and social conditions of his environment, an agitator of that radical type which characterized the later eighteenth century. Yet he was not of the stuff which

makes martyrs or great leaders; he never quite found himself. The restlessness and uncertainty of his soul find a strange parallel in the opinions of investigators regarding certain details of his life. One states that he came to North Carolina in 1751, settling first in Bladen County;<sup>1</sup> another that he came direct to Orange County.<sup>2</sup> Regarding his religious antecedents there are also conflicting statements. Two writers declare that his family were not Quakers,<sup>3</sup> one that they were.<sup>4</sup> This point, however, is settled by Husband himself. According to his story, his family was of the Church of England, but he became a Presbyterian and then a Quaker.<sup>5</sup> Likewise one finds the cause of his disownership by the Friends in a sympathy for another member who was subject to discipline;<sup>6</sup> the other makes the cause thereof his own marriage without the denomination.<sup>7</sup> Tradition says he was a correspondent of Benjamin Franklin, but this too has been denied.<sup>8</sup> Spite of the contemporary statement that he was not a Regulator, he is declared to have been the organizer of the Regulation.<sup>9</sup>

However, one fact is certain; Husband was the author of three pamphlets. The earliest of these was published in 1761 and was entitled *Some Remarks on Religion, with the Author's Experience in Pursuit thereof, For the Consideration of All People, Being the real Truth of what happened, Simply delivered; without the help of School-Words or Dress of Learning*. It was published in Philadelphia by William Bradford, and was followed in 1770 by *An Impartial Relation of the First Rise and Cause of the Recent Differences in Public Affairs in the Province of North Carolina; and of the past Tumults and Riots lately happened in that Province etc.* Where this was published is as yet unknown. The third pamphlet appeared in 1771 under the caption, *A Fan for Fanning and a Touchstone for Tryon, etc. By Regulux*. It was published in Boston, probably from the press of Isaiah Thomas. Single copies only of these pamphlets are listed in the published bibliographies. The Philadelphia Library Company has the first, the John Carter

<sup>1</sup> Weeks, S. B., *Southern Quakers and Slavery*, p. 179.

<sup>2</sup> Nash, F., *Hermon Husband*, (in Ashe, *Biographical History of North Carolina*, Vol. II, p. 185 ff).

<sup>3</sup> Bassett, *The Regular Movement* and Weeks, *op. cit.*

<sup>4</sup> Nash, *op. cit.*

<sup>5</sup> *Some Remarks on Religion*, *passim*.

<sup>6</sup> Weeks, *op. cit.*

<sup>7</sup> Francis Nash, in personal interview.

<sup>8</sup> Nash, *op. cit.*

<sup>9</sup> *Ibid.*

Brown the second, and the Library of Congress the *Fan for Fanning etc.* Through the courtesy of the Philadelphia Library Company the *Remarks on Religion* is here reprinted. Composed about 1750, before Husband migrated to North Carolina, it was published some time after he took up his residence on Sandy Creek. The work has a value for an understanding of the author and also for an appreciation of his times. Like so many eighteenth century radicals, Husband was deeply religious, especially in his youth, and evangelical impulses and influences drove him out of the Church of England. His soul, troubled in youth over religious uncertainties, was also troubled in his mature years over the injustice meted to his fellow men. Religion is thus the background of his political agitations, and a better example of the emotional experiences of an eighteenth century evangelical can hardly be found than the *Remarks on Religion*.

The *Impartial Relation* and the *Fan for Fanning* will appear in the next issue of THE REVIEW.



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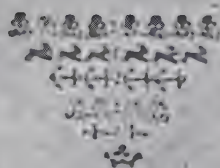
SOME  
REMARKS  
ON  
RELIGION,

With the AUTHOR'S Experience in Pursuit thereof.

For the CONSIDERATION of all PEOPLE;

Being the real TRUTH of what happened.

Simply delivered, without the Help of School-Words, or Dress  
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P H I L A D E L P H I A :

Printed by WILLIAM BRADFORD, for the AUTHOR.

M,DCC,LXI



S O M E  
R E M A R K S  
O N  
R E L I G I O N,

With the AUTHOR'S Experience in Pursuit thereof.

For the CONSIDERATION of all PEOPLE;

Being the real TRUTH of what happened. Simply delivered, without the Help of School-Words, or Dress of Learning.

WHEN I was under the following Exercises of Religion, any Work of this Kind was exceeding precious to me, which caused me to promise within myself, that when I was a Man, I would write an Account of my Travels also; for which Reason I endeavoured to keep a Journal in my own Mind. But notwithstanding all my Care, after some Years, Things grew somewhat duller than at first, and, though I remembered most, that was remarkable, it seem'd somewhat difficult to place every Passage in its proper Order.

I also saw a Necessity of a Divine Help, for which I many Times besought the Lord, to bring all Things clearly to my Remembrance, and order all Things so, as I might have private Opportunity of putting the same into Writing.

After some Years I had a good Opportunity, and nothing else to do; but I had almost quit Thoughts thereof. It happened one Day, a certain Man, whom I was nearly acquainted with, after he understood I was not brought up in the same Opinion in Religion that I was then of, asked me, how in the World I came to be of that Opinion? and seemed desirous to know by what Accident I came to join with that Society.

[4] I took it, he thought it must be, by hearing some famous Man or other, it put me on thinking to give him an Account; but I presently conceiv'd if I told him the Truth he would not believe me: It caused me however to look back, and put me in Mind of my Promise, Things withal seem'd to appear clearly, and I could not

desire a better Opportunity. I immediately began with this Resolution, to be impartial and true in the Relation, not omitting that which might seem to be against the Society I was then of, nor yet that which might seem to favour our Opponents.

My Parents were of the Society of the Church of *England*: When I was first thoughtful about Religion I was eight or nine Years of Age, as nigh as I can remember. Being at School at my Grandfather's, who I us'd to hear People say, was a good old Man; he used to tell me I was a bad Boy, and I found something in my own Breast making me uneasy for my mischievous Tricks. I also heard his Servants Lads say, their Master ordered them to say the Lord's Prayer and Creed, when they went to Bed, and as I lay with them, I heard them say these by-Heart, before they went to Sleep. This, I thought, was what God required of me, and what I must do to go to Heaven, which Place I was not willing to miss of; but not having them well enough by-Heart, I put it off yet, and soon after was taken Home to my Parents. I was of an ill Temper, squabbling and quarrelling with my Play Mates, Sisters and Brothers, and much given to tell Lies, for which Things I was reprov'd by Something within myself, and well remember at that Time, I thought it was God that spoke to me, and reprov'd me; and do verily believe I should always have thought so, had I never seen a Controversy to the Contrary. And as this is the whole Subject of my Design, namely, to find out, whether or what this inward Manifestation is, which will end all Disputes.

Being, as I said, reprov'd for ill Things, and as I thought, by God, I could in no Wise consent to Obedience till the Days of my Youth were over, but would promise, when I grew an aged Man I would grow Good. About this Time there came a Presbyterian Minister to my Father's House, and lodg'd all Night; he called the Children to say their Catechism, (it was the Church of *England's* Catechism). When we had said it before him, I being the Eldest, he ordered me to say the Lord's Prayer, which when I did, he said, I was a pretty Boy, and should say the Lord's Prayer and Creed every Night and Morning.

Now frequently before this, when I laid down to Sleep, this inward Manifestation would appear, and give me great Uneasiness for my Misbehaviour the Day before, and I had a perfect Knowl-

edge of what it wanted of me, (to wit) to be sober and watchful, which I would in no wise consent to, till my youthful Days were over.

Now the Minister having told me as abovesaid, and this reprover came as at other Times, I thought the Minister confirm'd what my Grandfather had said before, that the Thing that was required of me was, to say the Lord's Prayer and Creed, as abovesaid.

That which I us'd to promise Obedience to when I grew old, I now [5] thought to satisfy, by saying these Prayers. Now I thought, the Ministers knew all Things rightly, and all of them went to Heaven.

Thus I used these Prayers for a while constantly, Night and Morning; but this Reprover I began to experience, was far as ever from being satisfied, and was requiring quite another Thing of me, namely, to leave off Lying, Quarrelling, and to stay at Home a Sundays (as I then called the First Day) and read my Book, which my Parents, did also tell me, and helped to convince me it was right and I remember it was but a few Weeks before I left off that formal Way of Prayer, but not because I thought it was wrong, neither was I ever reproved for it in myself, but as I feign would give the Reader the true Reason why I declined that Form, and leave it to his own Judgment if I did right; because I imagine, this will displease some People. I being now about eleven Years old, and by the Relation above it appears, what I receiv'd from Man concurr'd to confirm that Form right. And as for that inward Manifestation, it took no Notice thereof one Way or other, but as before, I used when reproved by it, to promise Obedience at some Distance of Time to come, I then thought to satisfy by those Forms aforesaid. At first it gave me some Relief, for the usual Time of its appearing was at Night, when in Bed. As I said for some Time those Prayers were my Shelter, but in a few Weeks my Prayers would do no longer, nothing short of a Reformation of Life, which was still a wanting would satisfy it. I now began to be drawn to Prayer extemporary at other Times, then Night and Morning, and followed me now so close as kept me in continual Exercise, with Thoughts of forsaking Sin; that I now came to my usual Way of promising Obedience By and By, until I consented to be obedient as soon as I got married. This now must certainly be the Spirit of Christ, and I remember, I so thought it to be at that



Time, though the Word Spirit I had no Notion of, but took it to be the Lord Jesus, that I read of in the New-Testament; and when reading how he appeared on Earth, I would wish he would come to again, or that I had been in that Day, I thought I would have been one of his Disciples, and not have crucified him: And this Spirit, Light, and Christ, as I then thought it to be, would answer me, and bring to my Remembrance how he called me from Time to Time and how I put it off from Time to Time, and would still put it off longer and longer, and convince'd me, that it was the same as if he was on Earth, and assum'd a bodily Preference, and that I would be as unwilling then as now. Here give me Leave a little, to say I can't think this that thus wrought with me was what I have heard some say it was the Light of Nature, for the Scripture says, that is always and continually evil, nor yet my own Heart, which is deceitful above all Things and desperately wicked, that should thus pursue me to seek after God; nor yet as some say, the Relicks of God's image left in *Adam*; but if my Reader thinks it was, (as I am for no Disputes here but a bare Relation of what I am a Witness to) let him go on and see how far this Relick or Nature, or whatsoever he may think it was carried me, and judge of it as he pleases.

[6]Only by the Way I would have him mark the Description of Christ's Spirit, or Kingdom of Heaven, which is like to a Grain of Mustard Seed; and *Solomon* also describeth Wisdom *how she crieth in the Streets, and uttereth her Voice saying, Ye Simple Ones how long will ye love Simplicity?*

So little and despicable in the Eyes of the Wise in its Beginning, but behold how great a Tree it would grow to in the End. As I said before, being convince'd it was the same as if Christ assumed a bodily Presence, and was visible here, and it still pressing on me more and more, I would promise to begin sooner and sooner. So that if it happened to be in the Winter and Cold, when press'd and persuaded to Obedience, Prayer, and Repentance, I would consent, but make Excuses I could not well begin now in the Winter, but next Summer I would begin. When Summer came, it was not convenient till next Fall; when the Fall came, then I wanted *Christmas* over, first to have that Frolick; and when that was over there was *Shrove Tide*, and so on till *Easter* and *Whitsuntide*.

Thus I was pursued, and consenting by Degrees, and setting the Time sooner and sooner, until it came to be next *Sunday*; where I remember, I stood some Time many Weeks still promising, I would begin next *Sunday*; but always when *Sunday* came I would be left alone, and so would not think of my Promise till the Evening, when I would be rebuked: And now my Promises so continually broke, and this Light still pressing on me to consent instantly, now, just now, was the Time; but nothing seem'd so hard as to give up just now, this Instant, and I would more earnestly promise, and intended really to begin; but when the set Time came I was still wanting, (how plain a Discovery here was of Man's Weakness and Inability, in the Things of God). But God still pressing my Consent now, just now, I began to move again, and if on *Sunday*, I would promise *Wednesday* or *Thursdays*. Oh! how I wanted to shift my coming start Naked!—I wanted to prepare myself a little; but God would not give away his Glory to another, and though at last I came even to attempt some Reformation at the appointed Time, yet as it was of my own Working, (for I was always left without his Assistance on these set Days for Repentance) it was as filthy Rags, as empty as Nothing, and not to be accepted but in God's Time, who still press'd the perfect Time, *To-Day, while it is called To-Day*. At Length I came to promise To-morrow, and spent some Weeks still promising To-morrow, and which puts me in Mind of a Verse I afterwards met with, very suitable to this Occasion:

*I will To-morrow, that I will, I will be sure to do it;  
To-morrow comes, To-morrow goes, and still thou art to do it :  
And thus Repentance is referr'd from one Day to another,  
Until the Day of Death comes on, and Judgment is the other.*

And thus I believe it would have happened if I had not consented at the very Time, even *To-Day, whilst it is called To-Day*, for God followed so close, as that one *Sunday's* Night, near Sun down, after returning Home from spending the Day, running up and down some Miles with [7] other Boys, though I remember no particular Sin I was charg'd with, other than Disobedience to this true Guide, which caused me to be left empty and to myself, so that my Mind was roving up and down, sometimes in little Disputes with my Mates, so that I conceive of it as the inward Sanctuary of my Soul

was, as the Temple of old, full of People, of Thieves, and Rabble, such, with whom the Spirit of Christ dwells not. As aforesaid, near Sun-set the Lord came as of old, as it were with a Whip of Cords, which put my Guests to flight, my Soul was empty, I flew to my Book for Shelter, but by reading in some Part of the Evangelists it made my Case worse and worse. Thus now being frightened with breaking my Promises so continually, and seeing Shelter no where, and my gracious God almost quite angry; as I remember in this terrible Hour, I clapt the Bible wherein I was reading to appease God's Anger over my Face, and fell down on a Bed and cried to God saying, My God, I will follow thee, now, even now, whether-soever thou goest or leadest me. The Lord soon changed his Countenance into Smiles, and I have to remember the Tears run from my Eyes in a plentiful Manner.

After all which, I seemed to be in a new World, and the next Day or two finding the Frame of my Mind quite altered, it being now easy, quiet, calm, and peaceable.

I was now twelve or thirteen Years of Age, and my Condition being thus altered, I wondered what could be the Reason.

Sometimes I seem'd to fear, God had quite forsaken me, and again I thought, he was well pleas'd and fully satisfied, and that I was now sure of Heaven. Thus thinking one Day on these Things, and the strange Alteration in my Mind, as I was at Work with some others, after having been at Dinner, and while I was waiting about the Door till all was ready to go into the Field again to work, in the same delightful Frame of Mind I took a Thought, I would try my Doubt by Lot, that was, whether God had forsake me or was fully well pleased, and seeing a small Pole I took it up, and turning round the Corner from some present, I set it on one End as nigh perpendicular as I could, and thought within myself, if it falls this Way God is angry, but if the other Way he is well pleased. I had left go my Hold of my Pole, when a Reproof suddenly ran through me I was a tempting of God: This feared me so, that I shut my Eyes lest I should see the Way the Pole was falling, withal turning my Back upon it and ran away from the Place, making a Noise with my Feet lest I might hear by the Sound of the Fall which Way it went, nor did I know certainly which Way it fell; yet even that Afternoon I began to perceive I had farther to go; for as hitherto I had been reprov'd not press'd to forsake any thing

but what I was educated to believe was Sin, and had never exercised it otherwise but to put off the Time of Repentance longer. Now I had us'd to jump and wrestle with other Boys, and for which I was now reprov'd this Evening, which I endeavoured to excuse as no Sin, and promis'd I would not be angry about it, and that I would not do it on Sundays, [8] but now I began to see it was pressing for me to be as sober and circumspect all the whole Week, as on Sundays.

All this seem'd harder and harder, and I came on a little by degrees though slowly. Playing at Cards had a little before this newly become very frequent in our Neighbourhood among us, to both old Men as well as Young, in which, for a great while, I had took great Delight, even from the Time it came up amongst us, by Means (as I remember) of some Pedlars, bringing some Packs and selling in the Neighbourhood: I us'd to play before both Father and Mother, my Father playing sometimes himself, especially when there were any Strangers; my Mother indeed had spoke against it when we had sat up late at Night, and waisting the Candles.

In the Height of this Exercise I was reprov'd for it by this Light, this inward Teacher, which was like Death to me, yea, it was like cutting off a Right Hand: I would promise not to play only when I had no Work to do, pleading it could be no Harm then.

But I could not have Peace in the Exercise at any Time, I would promise not to play for Money, Drink, nor any Thing, but Pastime, or Diversion, for I had heard how some People had play'd away their Estates. Yet this held not long, but I must leave off that Way also, and though I play'd for Nothing, yet I was very earnest to get the Game; this I would feign think was the Cause, and now I would promise, to be careless and easy whether I lost or won; thus I continued to play for a Time, nor would I play for a Price on any Account. And being now principal'd against playing for Money or Money's Worth at Cards. There was another little Game, called Push-Pin, at which we won one another's Pins: This I was forbid also, and at length became convinc'd, I must not play at all, and then I began to promise, this should be the last Game; and yet my Promise was broke every now and then, for I would still at Times plead, if it was a Sin the aged People and Ministers would speak against it, while I had never been reprov'd for it by any Body, save what my Mother had said as before.



Now, once there were some People at my Father's, Drinking and playing of Cards, and my Father laid a Wager with one of the Men, that I should play, (for take Notice Reader, that no Mortal on Earth knew any Thing of my Scruples) the Wager (to be quite plain and simple) was but for a half a Pint of Rum. When my Name was mentioned and I was called to Play, the Spirit or Power of God strongly forbid me; but being very willing of myself, I pleaded also with a great Degree of Strength, that I had a good and sufficient Excuse to obey my Father, yet, and though I plainly saw it to be against the Mind of God, I rebelled, trusting that my Excuse would be sufficient to shelter under, so I won the Rum, which caused the Company to laugh, and praise me for a Gamester; but I found no Pleasure in it, that was not turned into Sorrow, for Christ looked angry at me, even before the Game was done, and I was exceedingly troubled whilst in the Game wish'd, I had not touch'd the Cards, promising never more to play on any Score. There was also another Practice among us that was, for a Company to meet [9] first at one Neighbour's House, and then at another's, to fiddle and Dance; this I was forbid also, though being young was seldom desired to appear on the Floor and generally refused, and as much from being bashful as scrupulous; but when urg'd much or perhaps drawn out by some elder Person, I had us'd my best Endeavours, for which I had sharp Reproofs, and was afterwards ashamed to think how much Pains I took to please the Devil; I even blush now with Shame at the writing of it. All these Requirings caused me to complain and reason with my Redeemer, why must I be so strict, more than any Body else? for I thought there was not One in the World that made Conscience of such Things, and grew very uneasy to live so reserv'd, pleading that both Old and Young, the Ministers, Clerks, and People all, went on in those Things, all, surely, O my God! do not perish; but that Text which says, *Few are saved*, would make me sorely afraid. But I would feign persuade myself if a Man was sick a few Weeks before he died he might in that Time repent. I had no Notion of the New-Birth by the Operation of the Holy Spirit, as to the outward Knowledge and Signification of them Words, for I remember taking Notice of that Word among us of Christening, what Analogy it had with the Word Christian. Christening, thinks I, that is making One a Christian, and hearing some People call Parts of the World Christendom, and having heard, the



*Quakers* did not christen their Children, in order to know if I was right in my Notion, who were Christians; I reply'd (on hearing a Part of the World called a Part of Christendom) the *Quakers* are no Christians, thinking to prove it by the aforesaid Terms of Speech, but I receiv'd no direct Answer, and perceiv'd, I had closely pinch'd the Party from whom I would have been instructed in those Matters, relating to the Kingdom of God. And now my friendly Reader pause here a while, if thou hast thought those Things too Low and Mean for thy Concern; think here, how a Boy should shun the Aged and cause a Silence, unable to answer him in the Things of God. I remember I gathered from the whole it was not safe to draw such a Conclusion. I had also heard the *Quakers* laugh'd at for pretending to be moved by the Spirit when they preached.

Concerning which, I had so gross a Notion of as to think, they pretended to feel an outward and sensible Force acting in or by a sensible Feeling of somewhat moving the outward Body, so as to raise it up. I just mention this to shew, how far I was from an outward or Head Knowledge of those Things which I daily experienced, *to wit*, what made a Man a Christian; and here I think I may safely prefer the Spirit of Christ before the Scriptures, and call upon my Reader to judge which was the foremost and principal Worker of my Soul's Salvation, referring him for the Truth of Facts to the Operations of the same Power in his own Conscience.

And as to Ministers so called, he under whose Care I then was, encouraged me to dance, by praising me for it, and giving me Money as a Reward, when his Clerk told him how prettely I danc'd last *Saturday* Night, for the Clerk had been at one of these aforesaid Dancing [10] Frolicks, (as we had used to call them;) and it so happened that the aforesaid Praises and Reward were given me, at the Instant I was under Convictions, and disputing with this Holy Guide, it being the *Monday* Morning following. These Helps gave me Strength to dispute the Case somewhat longer; but notwithstanding, this Light proved stronger than the Minister, the Clerk, and myself, who willingly would have had them right, and I was convinced it was against God's Mind that I should do these Things, nor do I remember it charg'd the Minister or Clerk with Wrong, or that it was Sin to others; but I was made quite sensible that if I did such Things, Sin or not, forbid or not to others, it was so to me, and that God was angry with me if I did.

Some time now about I had got a Book, intituled or called, *Valentine and Orson*,<sup>1</sup> I had read therein without Reproof till I was above half through, which was more diverting than any Book I had yet seen; but now I was forbid to read any more and became exceedingly troubled and concerned.

I pleaded Liberty only to look it through to see the Conclusion, and then I promised to carry it Home, and never more to think of it, for I had presently conceiv'd of it, to be Fictitious. Now I read some considerable Part of it after or rather while under Convictions, and at Times when I dar'd read no more, I would lay by the Book; though I was clearly commanded to return it from whence I had borrow'd it, but would pretend I had not Time.

Yet I can well remember, the true Reason of my Unwillingness was to have it at hand, that I might steal to it, when the Witness of God was not present, which I several Times attempted.

But so soon as I offer'd to touch the Book, it would appear as a Witness against me, when I would plead only to read a Leaf or two, and by such Strugglings as I said, I read many Pages after my first Reproof. But at length I carried it Home without seeing the Conclusion, nor never read therein since.

Next I met with a Book of *Robin Hood's* Songs, and was check'd at the first from reading them; but I pled very stoutly that those might probably be true, and under great Fear I read some of them. But this brought the Displeasure of my Redeemer over me, and this Book proved like unto the former.

All this while I us'd to play a Game now and then at Cards till once being at one of those merry Makings, where some People were at Cards, and I being very desirous to play also, but was kept back from them, by strong Convictions in myself. When they had done I took up the Pack, promising after my old Fashion, only this Game, and I will never play another, and asking a Lad to play, who, I doubted not, would be very willing; but he seeming contrarywise, caused such Self-Condemnings and Fears in me, that all the while I was full of Horror and Dread, but still wanted to finish the Game, and making great Promises never to play again: At length, in the Middle of the Game, I threw down the Cards on the Table, and said to the Lad, I will play no more; I must go Home. [11] And I never

<sup>1</sup>A romance, generally known under the title *The famous and renowned Histroy of Valentine and Orson*.

play'd at Cards afterwards, and I have to observe on the whole, that no Sin was fairly conquered by me but when I took up the Cross immediately, for if I promis'd ever so confidently and did not forsake under the Reproof, that same Sin was sure some Time or other again to prevail.

As One of old, whom Christ called, he begs Leave, *first to go and bury his Father and Mother*, and do you suppose he would then have come back? No, verily he would not, unless he had been call'd again, and then another Excuse would have been as ready; therefore says God, *Let the Dead bury their Dead: Follow thou me*. Alas! how weak is Man of himself to Good, or by any Thing of Nature, even when he is under the strictest Engagements and most solemn Promises; much more to think or desire Good without a supernatural Aid. Here I plainly witnessed the Truth of that Saying, *Without me ye can do Nothing: And, No Man cometh to me except the Father draw him*.

Being now turned of fifteen Years of Age; and not long after that last Game of Cards aforesaid, there came News of a Man, a Preacher, newly come from *England*, that both Men and Women were ready to leave all their Livings to follow him. At first I wondered does he want them to follow him, and what could it be he said or preach'd. I had not long to think on it, for in two or three Days after the first Report there came Tidings, he was to preach within fifteen Miles To-morrow, and his Fame coming, confirm'd also with the Tidings I could not conceive what he said; for I little thought he spake of a sanctifying Work of God's Spirit on the Soul; having yet no Notion of the Pronunciation of the Work, or by what Name outwardly to call it. I imagined he spake as a Prophet of some strange Time at hand; may be he tells us when the Day of Judgment is to be.

My Father and Mother went however to hear him, and took me along, we went early, and got to the Place before he came; and I heard One ask another, what does this Man preach? any Thing that is News? who answered No; nothing but what you may read every Day in your Bible: For what is this great Cry then? who was answered after this Manner, stay, you will hear him by and by, you never heard the like before. Here I was puzzled, what sure, what

can this be he says? when in the Instant comes the Man, George Whitefield<sup>2</sup> by Name, and he took a Text about the wise and foolish Virgins.

I presently understood him, for the Spirit of God witnessed to me, and speaking in me says, thy Argument against me is now come to Nought; thou thoughtest, there were none who kept their Lamps lighted as I wanted thee, yet, now here is One who bears a Testimony to the Truth, and methought I could feel and believe there were Numbers besides him; I also observed some of the People called *Quakers* present, and still having that gross Opinion of them beforementioned, thinks I, now you have heard something of the Movings or Inspirations of the Spirit indeed.

Being now fully convinced that this was the Way to Happiness to yield Obedience to Christ in me. I became now willing to take up the [12] Cross; but a Fear was in me that I had rejected him so long, yea, I was now ashamed to think how I would not believe in him for all his Strivings with me, and thus I returned willing, I had hearkened to his Reproofs in Day of my Visitation, lest I were now too late.

I longed to see some of Whitfield's Writings, that I might more certainly know his Opinion in this Matter; for, in his Discourse he had not explain'd this otherwise than "That we must come to Christ, "if ever we attain'd Happiness: That we must be born again of "the Spirit, having Oil in our Lamps, or Grace in our Hearts, "witnessing the Old Man crucified, and a putting on of the New: "With some Threats to Sinners, and of the fearful Day of Judgment";—as well as I remember.

However, my Exercise after this became, how I might come to Christ, and if the Day of my Visitation was not past. And in a little Time we had News of a Presbyterian Minister, who was said to be of the same Doctrine as W———d: I went to hear him preach, not out of Curiosity, but to learn how to come to Christ. He thundered out against Sin, and pronounc'd Death, Damnation, &c. to Sinners, and that there was no Salvation but by Christ. I lik'd him much for thundering out against Sin and Sinners, for I now looked on myself as a very wicked Sinner withal, I patiently

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<sup>2</sup> Whitefield, celebrated "new light" evangelist, was in Maryland in December, 1739.



waited to know if I was likely ever to become a new Man, or how I might obtain to that State.

Thus for some Time hearing him and others of the same Society, and searching the Scriptures after these Things, and disputing with such as opposed the Workings of the Spirit of God, and continually praying that I might be one of the Elect; for, by this Time I had heard them preach, that none but the Elect could be converted, and endeavoured to give the Marks of the Converted from the Unconverted and if one Mark given of the Converted did not answer my Condition, I would conclude I was still unrenew'd; and on the other Hand, when the Marks of a Sinner were given I would take that to myself if possible; and when they threatened the Unconverted and cry to them, to fly to, and accept of Christ, I would count myself One, and earnestly wait to hear what I should do.

The Custom of those Ministers was generally, to divide their Discourses into Heads of particular Branches, telling us beforehand the Substance of Doctrine each Branch was to contain, and many Times one would be to tell us the Way of Christ. This would rejoice me, and I waited to hear.

Yet it proved to no Satisfaction; they told us to fly to Christ, to accept of him on his own Terms: All this I was willing to do, if I knew how, or where to find him; and that we must throw away our own Righteousness and accept of his. This would concern me how this was to be done, or whether or no I had, I was willing to do any Thing I thought: Yet could do nothing, nor yet from all the Discourses learn what to do.

This led me again to pray to God the Father of Mercies, to pardon [13] my Sins, and lead and direct me again by his good Spirit how to do; thus I soon began to desire his Presence, and to be taught by him alone, and I notwithstanding, firmly believed he was the Teacher of those Ministers, and at Times (when as I now believe Truth prevailed in an eminent Manner) they would speak to this Effect: "To look to God alone, and observe the Motions "and Leadings of his Spirit, and not to quench the least Sparks "thereof, but cherish, improve, and kindle into Flame by Obedience "those inward and heavenly Calls." These like Discourses were generally in what they call'd an Application, seldom in what they call'd the Doctrinal Part.



Our Minister, or the Church Minister (so called) would now and then preach in our Neighbourhood, who I went also to hear, from whom I could learn little or nothing at all, for the *New-Lights*, (as they began to be called) would tell us the Marks, at least some Marks of a Christian, and that we must be born again of the Spirit, and proving it from Scripture, and explain the Works of Conversion, describe the State of the new Man by Similitudes and Parables, thunder against sin with some Life and Power; But this Church Minister seemed to know nothing at all about the Matter, nay he would speak against it, and signify as much as that Water Baptism was the New Birth, and that a Life of Morality was a Christian Life, without any sensible Workings of God's Spirit on the Soul; so that I got quite sick of him, yet when he came my Father would have us all go to Church.

One Day when he was to preach, there was also a Meeting that Day at the *New Presbyterian* Meeting-House, to which was my Desire to go; but whether I should displease my Father in refusing to go with him I could not resolve; after some Reasoning in myself, I concluded to leave it entirely to God, would he vouchsafe to enlighten me. Here I mounted on Horse-back, not yet knowing which Way I should go, the Ways kept together through a Gate, when they immediately parted, and as I opened the Gate I yet knew not if I should then turn to the Right or Left; but was no sooner through, when I had a perfect Freedom to go and hear the Church-man, and I think this was also contrary to my Expectation, and as I had no Dependence on him, it became wholly on God who had given me such Freedom of Mind to go, and when I got to the Chapel House, among the People, they kept such ado to answer the Priest, and to find the Place of the Book he was in, being up and then down, the Minister speaking alone, then all suddenly speaking aloud; this did not suit my solid Condition, it seem'd to me there was no true Worship in Spirit among them, he seemed the best Fellow who first found the Place of the Book the Minister was in, and to answer him, and to know when to rise up and sit down, (for the Minister had come so seldom, the People were not well practised in the Business.) But let not the Reader think I was a Stranger to them; for I had been One of the foremost in this Exercise in this same Place and among the same People, and once it had so happened that all had miss'd the Place of the Book, or forgot their Books at Home,

except me: And I had to, and did answer the Priest alone (but as I had [14] come for another Employment this Day I had brought no Book,) I sought how I might worship God in Spirit, in Heart, and in Truth. As I said being uneasy at all this Noise, with so little Appearance of Solidness and true Sincerity I walked out a little Way into the Woods where I kneeled down, my Desires being to God for myself, not in the least despairing or even pitying them, for I knew not which Way to go myself; my Desires were to draw nigh to God, to know and worship him in Reality, which I longed for, and as much desired as a thirsty Creature does for Water. Here I was enabled to supplicate the Throne of Grace, and then came in again, and stayed till they were done. After returning, and Dinner being over, I retired into a Field of Rye, and was filled with Thanksgivings, with Praises, with joy unspeakable, and full of Glory, with Peace and Joy in the Holy Ghost, nor did this arise from any Thing that I had done, or Righteousness that I had acted, so far it was from that, for I was much cast down, and looked on myself as a disobedient sinful Wretch.

Yea it was so far from proceeding from any Thing I attributed to my own Actions, that I could hardly accept the blessed Favour, and went away praising and adoring that God, who had taken Notice of so unworthy a Creature.

And now the same Power and Light of Christ, which I witnessed in the Beginning, began to operate again in the same Manner, and I was now reprov'd for wicked Thoughts as well as Actions, and notwithstanding I had thought I was so willing to do any Thing if I knew what, I still found a Backwardness in taking up the Cross, which again brought Self Condemnings over me; and I have to repent such Backwardness to this Day.

A few days ago I was reading one *Seward's Journal*,<sup>3</sup> which seems to have been wrote at the Time of his Exercise; and this I now write nine Years after from the Strength of Memory. And as I am now coming to some exceeding deep mysterious and fiery Tryals and Temptations of Satan; I refer the Reader to *Seward's Journal*, which, by the Reading, I think our Cases were not unlike. He complains it was Sin which divided between him and God; to this I set my Seal. I always found it was Disobedience and Rebellion

<sup>3</sup> William Seward, *Journal of a voyage from Havannah to Philadelphia*. (London, 1740).

to that inward Power that marr'd my Comfort and Peace with God, from whom that Light descended. I went now wholly to the *New Presbyterian* Meeting, so called; and as *Seward* says, "if I heard "or read the Experience of others greater than mine, I would be in "Doubt if mine was not common Convictions, and so I might still "come short of saving Grace"; from the last Spark of which I was taught, there was no falling from it totally.

I would go a little off my Subject here, to observe the different Opinions in this Doctrine among Men, makes little odds to an honest Soul, one believes there is no falling from a Spark of saving Grace; (the Soul not willing to deceive itself, and who seeks to obtain Peace with God, doubts his having yet obtain'd this Grace while under Self-Condemnings,) another believes in one Grace, one Faith, one Lord, and [15] one Baptism, and a Possibility of falling, the Soul not willing to deceive itself, is ever afraid of falling when under Self-Condemnings.

But to return to my Subject, according as *Seward* complains, so was I, attacked by the Devil on every Side with monstrous, hideous, abominable, and blasphemous Thoughts, not lawful to mention, that I well might have said, Lord, is thy Servant a Dog, that I should thus think?

Here I was constantly at Prayer, (and I may safely say constant,) for I suppose in the Terms of three Years there did not pass one whole Month's Time that I was not in Prayer, for sleeping or waking he was the Object of my Mind; when asleep I dreamed of him, when I awaked I would never fail to be in the Midst of Prayer and Meditations, and this Power of God and Light of Christ, was all and all. Whenever I disobey'd its Voice, the Consequence would be Darkness, Condemnings, and a Withdrawing of his Countenance, then I could only think on God and Sin; even in prayer my sinful Inclinations and the Power of Satan prevailing so against my Will, that as *St. Paul* complains, *That I would not, that I did*. Yet blessed be God, there is a State attainable beyond this, let what will be said to the Contrary, and to such a State the Power of God brought me, even against, at least without the Help of my Will; for I have to believe that poor Man, if God was not in earnest, even as it were to force him from under the Bondage of Sin, he would stick there all the Days of his Life. I have thought when Sin

has prevailed over me in such a Manner, that I have trembled and thought, no One could ever possibly withstand it.

Yet at other Times I have felt the Spirit of God work so irresistably, that I have wondered all the World was not converted; as to that Difference of Opinion among Men, whether God forces the Will I shall not dispute. I will give here two instances of my own Experience, by which the Reader may judge my Sentiments.

One was, as I remember in this Manner: Coming one Evening to the House where I lodg'd and it had become dark, I was called of God to turn aside and pray: but a great Unwillingness arose in me, and I must needs come nearer the House first, and as it press'd clearer and clearer I grew of a great Hurry and could not stay, as it was growing late and getting darker, and I could as well pray by the Bed-Side or in a more convenient Place than this; in this Interim, a certain Woman was meeting me, and it was not so dark but I saw her some Distance, and Satan suggested instantly in my Mind, assisted by the Lust of the Flesh also, as ready to take Hold of the Woman as she pass'd me, but yet nothing immodest: The Light and Power of God withdrew immediately, as soon as I gave the Temptation a Hearing, when nothing but Bashfulness was left to oppose, which made but a small Resistance. This Conflict all pass'd in about one minute's Time, when the Woman was nigh meeting me, and seem'd not to give the Way, which help'd to furnish me with an Excuse: Bashfulness being thus overpowered by the Flesh and the Devil, and observe, my great Hurry was now all over, [16] and nothing was left to oppose. Yet this Light returned again so quick, and with severe Power like unto Lightning, so as to drive Lust and the Devil out of Hearing, in the twinkling of an Eye.

And I thought they never more would venture to return, at which Instant I pass'd the Woman by, and neither touch'd nor spoke to her, and presently ashamed, especially when I remembered how great a Hurry I had been in, but how I had slack'd my Pace to consult with the Flesh and the Devil, nor could I now pray for Shame and Confusion of Face: I fell to the Earth where I lay some Time, while the Spirit made Intercession for me, with Groanings, which I could not utter into Words. And I felt Peace afterwards, but not so full and satisfactory as if I had yielded to a true Obedience.



And now some may perhaps be ready to say, these Trials are for our Experience. If I were to advise, it would be for every One to give up to God with full Obedience at first in all his Calls and Leadings, which they never will repent of. I have found none, nor read of any who have ventured to say, they had to repent following its Motions, while thousand repent they did not. And though God's Mercies may be extended to some, and we may arrive to the Land of Promise at last, for which I hope, yet many fall short and die in the Wilderness, besides, how happy is the Man who goes this Journey in forty Days! which the rebellious House of *Israal* was forty Years a going and then not peaceable Possession, and that because they did not wholly follow God's Command to utterly drive out the Inhabitants. Though I would warn any from taking Pattern by this, yet it is to be feared that there are too few now a-Days who come up with *Israel* of old, yea, methinks happy would it be for this Generation if the spiritual Enemies of spiritual *Israel* were as far subdued as they were of old, and yet the Gospel Dispensation is certainly more glorious. Be encouraged O Ye! who is entered on this spiritual Journey, to out-do the Jews in that less glorious Day, remember it was God's Command, to utterly drive out the Inhabitants. We are prone to think we can't be so good now as in former Times, especially in the Apostles Days; but I have to observe this to have been the Case in their Time, or the Apostle would not had Occasion to tell the People of his Day, that in former Times they were Men of like Passions as we are. It is quite safe to strive to excel our Predecessors in Virtue, much more to come even. I am in down-right Earnest, and would encourage any One into whose Hand this may happen to fall, in the Beginning of the Work of Christ in them to encounter the Devil, the World and the Flesh, at once, and wholly submit in Obedience to the Cross, and daily bear it after Christ. I am ready sometimes to wish, I had my Time to go over again, yet am afraid if I should, I might not come so well on as I have; but I am firmly of the Belief, that if I had wholly followed him at least in some of his clearest Discoveries, I should, at this Day, have been more nearly acquainted with him, and not a whit behind the Primitive Believer. So would I encourage others, being willing they should be before me, yet, if I know my Heart at all, I am desirous if it would be the Will of God, not to be behind One.



[17] I would to God I were attain'd to that State of Perfection, which I believe is attainable in this Life, and that sometimes I have had a Taste and Sight of. For I remember, before I had any knowledge of the great Opposition this Spirit meets with in the World, among those who call themselves its Friends, I had walked some time wholly by its Directions in all Things, and likely might have stood in that State, had I been amongst its true Friends. However, I have to believe I ought to have stood there, in which State was no Occasion to take Thought for To-morrow, I mean even temporal Affairs, and wordly Employments: It would even put me forward in my Business, reprove my Slothfulness, excite Activity, bring to my Mind Things necessary to be done in the Things of outward Employment, as well as inward Exercises of Religion. And as I have witnessed a Time of this State, as also a falling therefrom again. I have plainly to observe, that our temporal Affairs are carried on much more to Advantage; it even enlivens the Body to Exercise, cause our Business to be delightful and pleasant withal, every Thing under this Direction will be attended with Success. When I would be sent of Errands before Strangers and Great Men, (so called) as I was little and young, it would look difficult how to express myself, deliver my Message, and to behave myself; then I would look to my Leader, and wholly depend on him; to direct my Way, and order my Business, which I can give this Testimony of, and well remember, was always attended with Success and Peace to myself, and in my Return, I would have to praise his Holy Name.

This, I doubt not, but will look childish and silly to some of our old and wise Men, but mark by the Way, that in old Time old Men had their Eyes to God, to direct them and guide them in their Undertakings, both in their own, as also when they were sent by either Father or Master, witness *Abraham's* Servant, when he went for *Rebecca*. I gained the Affections of all Company while under the Guidance of this Power.

But I observe, our Wise Men of this Age can tell us from whence all this ariseth, and write whole Volumes about the natural Causes thereof, but notwithstanding them, I know what I say to be true.

And also can see, yea, and comprehend them all, even the learnedest Writings extant, both Divinity, Mathematics, Astronomy, and the highest Philosophy of the Day, so far as I give myself the Time to study them, that I have good Reason to believe, my Capacity is not

below them of the first or greatest Magnitude, nor have I been less curious than most to examine the Truth of our holy Religion, without Prejudice or Partiality; but find this little Stone the touch Stone of all Truth, and the other Nought in Comparison of this Wisdom of God; and 'tis not without some View of convincing some of the greatest Deists of this Day, that I throw this simple little Piece into the World, especially if I am, or shall be able to produce the second Part.

But to return in this State, which resembled the Sabbath of Rest, or Sight of the Promiss'd Land, I had some Ups and Downs, occasioned in Part from my Unwillingness to bear the Cross, though it was become [18] both pleasant and easy. But those who should have been my Helpers in this Travel rather helped to pull me down, yet under those Disadvantages I kept pretty steady some Time in the narrow Way, daily arguing against those that oppos'd the Workings of the Spirit, and exhorting Sinners, both by speaking some myself, and reading to them Portions of Scripture and Books of Divinity, mostly those of Whitfield's Writings and the *New-Presbyterians*, (so called) there being a Constraint laid on me so to do. And now having thus briefly gone over some Part of my Time, I come again to Particulars, which occasioned a new Conflict and Soul Exercise.

Once when I had been walking with a certain Man in the Night, and had endeavoured to shew him the Way of God's Salvation; as we drew nigh Home, as well as before; I was filled with solid Peace and Satisfaction, attended with a certain Assurance of the Love of God, which was more pleasant and comfortable than can be express'd. When we got Home some Strangers were in the House, and One was shewing of Juggler's Tricks; now in Times past I had been very active in performing those Tricks. As I looked on, I thought the Man was but aukward at it, and yet the Beholders greatly admired him, which rais'd a Desire in me to take the Business out of his Hands, because I could perform much more to Advantage, though I had not practised any Thing of the Kind a long while; but I was instantly reprov'd and forbid as I had been before when I had quit it first, and knew it was a Practice disagreeable to the Spirit; but Satan having prevailed so far as to gain my Desires to such a Thing, (which now a Days was rare with him) he followed up the Hold, and the Temptation plead, but just to go, and shew them how cleverly I could perform it. Then I promis'd to immediately quit,

and bar it from taking Hold of my Mind; and if the Company should appear too much surpris'd, I could tell them the Way it was done: But by no Means could I have Liberty. Now the Devil mustered his whole Force, (for I was now of his Side) and suggested, I might just go, it would be done in a Minute or two, and I might keep my Mind compos'd and retir'd the whole Time; it could make no Alteration in my Mind. At Length I assayed to go; but clearly perceiv'd the Spirit of Christ withdrawn, which evidently gave me a Shock in my Mind. But Satan now soon prevail'd again, saying, it was but just a Step or two into the Floor, (I was by the Fire-side) and may be done in a Minute or two, and then you may go to Christ again, who I now feign would persuade myself, was only withdrawn for a little Time, and permitted me to go. I got up, and stept in among them, and immediately a Lightness and a airy Mind possess'd me. 'As soon as I said I can do so, One answering, 'I lay a *Penny*, *you cannot*.' I immediately stakes the Money; but a Fear began already to seize me, for I remembered, I had promised to act with Sobriety. I was ready to recant, and a little hesitated, when Satan exerted his utmost Strength, and in about one Minute's Time I won that *Penny*, and beheld Christ look on me in fierce Anger, and seemed in Wrath to depart for ever. When the Devil fully discovered himself, [19] laughing me in the Face, and methought, the whole infernal Race came to rejoice at the Conquest.—He that held the Stakes had given me the *Penny*; but such a horrid Sight! the Devil himself seem'd to scorn my Company, laughing, and making Sport of me. So much as look toward Heaven I dar'd not, there was angry Sin avenging-God. But it is, I'm sure, beyond my Power, to describe the Anguish of my Soul, I went and sat down, looking into myself seriously, as it were in a still Amazement, to see how soon my State was altered, but a few Minutes ago full of Heavenly Guests, now, the very Devil scorns my Company. Thus I seriously mus'd to see, is it really so or not, almost ready to roar aloud, but not choosing to frighten the Company, who were still busy at their Pastime, though I now minded them not.

Sometimes I sat down by the Fire, sometimes I stood up, being so uneasy and restless, I knew not what to do; it looked so deplorable a Case, it seemed unrecoverable: Which forced me to attempt to rest satisfied, with the Loss of GOD. But, O the Flames of Hell! represented with Flames of Sulphur and Brimstone, seemed Nothing

in Comparison of the Wrath of God, of an angry God! I thought, I could endure the Thoughts of everlasting Fire, could I be hid from the Presence of an angry God: And I am sure, they, who have tasted of the Wrath of God, have no Need for Hell to be represented with burning Flames.

After trying every Method to find Ease, but got none, it was impossible to shake it off, or get ease in any Sort. I thought, sure if it be thus all Night, alive in the Morning I cannot be, which is but twelve Hours. Oh! think I, I would to God it was a Dream! or that I might turn it into Nothing! or loose my Senses! so that I might entirely forget it. And as sometimes, I had awoke out of a Dream, that I had been glad to find was but a Dream: O! methought, could I but now awake, and behold this to be a Dream! Being able to compose myself no longer, I arose, and went to a Fire in another Room, where no One was, and considered what I had best to do, but could find no Remedy. At length I thought I would go to Bed, and get to Sleep, peradventure God may turn it all into a Dream. I now quite despair'd of Pardon, if it really was not turned into a Dream: So this was my last Shift. *Judas* his Case came now before me, how he carried the Money back, and when they refus'd to take it, how he threw it down, and hanged himself. This stay'd me a while from going to Sleep, until I would return the *Penny* back; and I could have wished it had been more, to induce him to receive it back: But whether he would take or not, I was resolved to try, and if he refused it to follow *Judas* his Example so far as to throw it away, and then I would try what Difference a Sleep would produce; and it seem'd if that did not alter my Condition, I could not possible live any longer, but like *Judas* must make my End. I became now curious in what Manner to offer the Man back his Penny, in the most likely Manner for him to accept it. And as I could hear them through the Petition from where I was, I waited to hear them break up, for I knew they were going home before Bed time. So when I heard him [20] with some others bid farewell, I stept out at another Door and followed after them ten or twenty Paces, and it being dark so as scarcely to see one another, I called him by Name and stept aside, as though I had a Secret to tell him, having the Penny in my Hand, (resolved on his refusing it to throw it violently down) composing myself so as my Voice might not betray the Terror I was under; and says: Here is the Penny I won of you,



I will not keep it. Withal offering it in his Hand in haste as not to detain him, which much contrary to my Expectation he seemed readily to accept, without the least Hesitation, or saying one Word; and it seemed to give me some Relief and a Hope, that a Sleep would have even a miraculous Effect to relieve me. I delay'd no Time, but went immediately to Bed undress'd, throwing the Covering over my Head, and was asleep in a few Minutes. And waking again as soon, I saw it had fail'd of the desired Effect; then drawing my Hands from under the Covering slowly, and that I might behold verily if it was no Dream.

And now as I was about to stretch forth my Hands, and to roar out aloud, for I could compose myself no longer, for I was now quite distracted Mad: Being thus at the last Extremity, and Brink of everlasting Despair, methought I discovered Something, resembling my Redeemer, coming as it were, from a great distance above the Clouds, and descending very swift; my Hands being stretch'd forth, being that Moment going to roar out aloud, by Reason of my Pain. I stop'd at this Sight, to hear what Message it brought; but expected it was Anger and Wrath, and that perhaps would add to my Pain as to cause me to expire quietly, from frightening other People, which I still had some Regard not to do. Thus holding forth my Hands in the same Posture I was in, when I first espied it, which descended so swiftly as in a few Minutes to be present, seemingly within the Room, and as clearly said to my troubled Soul, as ever I heard Words with my Ears, *Thy Sin is forgiven thee*. At which Words I let my Hands drop slowly downwards; but instantly raising them again, on a Thought of the Blackness of my Sin, intending to say: Lord! my Sin is so great, it cannot be; but I was stop'd by this Heavenly Angel, (for there seem'd to be a visible Difference between it and the Son of God) for it was now returning, but on this unbelieving Thought of mine it turned back again, before I could utter into Words, and with an angry Countenance said, *This thy Sin is greater, to refuse so gracious an Offer*. This caused a violent Shock through me, and I cried out into Words, (which were the First I had uttered, except what I said to the Man, when I gave him the Penny,) and says, Lord! I believe, thou hast forgiven me; but, Oh! pardon this unbelieving Thought! also it arose in me, because my Sin is so great; or Words to this Effect. Then answered me, saying, *Thy Sin is great indeed: And though God has now*



*forgiven thee, yet, thou hast thereby strengthened the Enemy's Hands so, that thou wilt have many a Battle the more for it. Stand faithful therefore to thy Helper, lest he may, one Time or other, prevail against thee: For God will now try thee more nearly, than yet thou hast been.* [21] All this I accepted, and believed; and thought, O has God forgive me? let me be tried as Gold. I thought, I could accept Pardon on any Terms whatsoever, without the least Reluctance: The Spirit of God (or his Angel) stayed not with me; but I was left fully satisfied of Forgiveness, and also content to be alone. I waked now and then all Night, and had some Reflection on my Sin. Satan also was gone, and no Doubt disappointed.

After passing some Weeks alone in Fear and great Humility, not knowing how to be deprived of the Lord's Presence; in which Time I procur'd a Book which treated of, and described the Sin against the holy Ghost: I ventured to read it through in Fear, lest it describ'd my Sin. Neither dared I open my Case to the Minister, nor others, for if they had condemn'd me it would have been much the same as if they would justify me; for I could believe none in this Case but God alone. The Hiding of his Face was all my Grief. Thus, as I said, after passing some Weeks, the Lord began to try me again, with a nearer Exercise, according to his Word, (though at first I did not remember it.) Now I was reproved for Eating my Victuals, (or necessary Food) which seemed the greatest Cross of all, and for some Weeks I was obliged to cross my Appetite every Meal, by short Allowance; and sometimes not to eat at all. And once, after fasting thirty or forty Hours, I was an hungry, and being then going Home from an Errand of about one Mile, I pleas'd myself with the Freedom I seem'd to conceive, I should have to satisfy my Appetite, after so long a Fast, and continued in that Mind till I got Home, and my Breakfast ready. When I was about to sit down, I began to feel a Restraint, and I was feign to beg and pray, saying within myself, O good God, hinder me not this Time. Notwithstanding all I could do, after about ten or twelve Sups, I was obliged to quit. Now I began to remember, these near Tryals came on me for my great Transgression; nor had I any Notion at all of any Sin there was in Eating, nor of the real Damage inordinate Eating does, and may do the Constitution of People, which of late I have seen acknowledged by many Authors. And to my own Experience I have found to be true, I mean an Advantage to the Constitution of moderate

Eating, as well as Drinking, and to this Light alone I owe the Praise. For, though the Scriptures ranks Gluttony with Drunkenness, I did not see it until by the Spirit. I became entire Master of my Appetite, as any other Passion: So that I eat only to live, and not live to eat; and this was more than three Years Exercise. So must I here prefer the Spirit before the Letter, though I much esteem the Scriptures, Glory to God.

I was also in this Time restrained from diverting myself in Hunting, Fishing or the like Exercise at many Times; as it has so happened that on what is called a Holyday, or of a Saturday Afternoon, when I have been very busy getting ready my Gun, Ammunition, Lines, Hooks, &c. especially if somewhat pleased and raised with the Thoughts thereof. I have at such Times been forbid, and has argued in my own Mind, how Christ himself sometimes was a fishing, and many good Man of old [22] delighted in hunting; this Conflict lasting perhaps an Hour, and has been conquered, and my Will made subject to the Will of God; and sometimes when I have thus give up and concluded not to go, I have suddenly been permitted to go, and then I could go in a right and calm Frame of Mind, and not raised by Success or cast down with the Contrary; and many Times have spent more time in Prayer and Meditations, and got as good Success in hunting as them who thought on nothing else.

I have also known at Times when my sinful Inclinations as Lying, Pride, Anger, Passion and the like would get the better of me, so as to cause Fear and Self-condemnings and afraid to bring my Deeds to the Light; thus sometimes they would gether on me on all Sides, and I had to behold my Sins as Mountains. I have yet escaped the condemning Power and had to behold those Mountains consumed, as by the very Breath of his coming, and in a Moment has laid them even with the Valley and embraced me in the Arms of divine Love, without the Sentence of Condemnation as at some other Times.

I was now a constant Adherent to the new Presbyterians or *Whitefieldians* so called, who became now greatly opposed by the World and Pharise Doctors of Divinity. I was according to my Age zealous against them, in contending for the Authority and Necessity of the inward and sensible Inspirations of the Holy Spirit, which was the grand Quarrel between us. The Scriptures proved this in the Apostles Days, but it was objected we was not to look for such in this Age.

The chief Objection of Weight with me was, if this be true: How comes we never heard of it before, and what has become of all our Forefathers? There was no such Doctrine preached in their Days, and I had seen no Book as yet except the Bible which held forth the same, though I had searched all I could come at; this would put me pretty much at a stand, how any in former Ages could have witnessed this Work and not declared it to others. I had conceived thereof if I could prove it not now, I thereby would prove it true. And as I was once in a Dispute with one who I had heard had a Book of *Martin Luther's* Works, after a pretty long Dispute, I asked him what *Luther* said of the Workings of the Spirit for I understood *Luther* had been one of the first Reformers from Popery; the Man said he, holds much the same in that as you do; I thought very strange at that that he would not believe for all that. I had a Desire and intended to get *Luther's* Works; but before I did, I met with *Sewell's* History,<sup>4</sup> a Book giving an Account of the Rise and Progress of a People called in Scorn *Quakers*, which was like the Sun breaking out of Darkness into Noon-day. Me thought I found Truth in plain Characters, and though it might not convince the Wicked, whom one from the Dead would not; yet I was rejoiced beyond Measure and confirmed in the Truth of all I had been taught before of God, and was pleased to think how my Companions the *Whitefieldians* would rejoyce with me also. Now, as I have already observed, my Notions of the *Quakers* were, that they knew nothing of the inward Inspirations of the Spirit. I had read [23] also in *Whitefield's* Journal, where he says, "Their Notion about the Spirit, was right." But he calling them Notions, I thought they were only so without the experimental Knowledge thereof. And now on reading this History of *Sewell's*, I was persuaded the *Quakers* of this Day were degenerate and fallen from the real Life, only retaining a Notion thereof in words. But I thought had *Whitefield* come across this Book, how much he would said in its Praise, as he had some I had not seen.

I was very impatient however to see some of my Friends, to shew them the Prize; and on Sunday as we called it, one of my Friends came, or one of the new Sort (as they began to be called), I soon began to read to him some of the Book, and he presently opened on

<sup>4</sup> Sewel, William. *History of the Rise, Increase and Progress of the Quakers*. (London, 1725); reprinted in Philadelphia, 1728.

me Lion like saying, it was the Works of the Devil, Delusions, and Witchcraft, and I wot no more than I now remember, adding as a great Crime, that the *Quakers* would read that Book on the Sabbath Day as soon as the Bible. Which I took to myself, and laid by the Book, thinking I would search it more narrowly, before I ventured to show it to any of them again. The Man charged me to read no more in it, whatever I did, for it was exceedingly bewitching; nevertheless I read a great deal therein. And as *Whitefield* had observed, I thought their Belief concerning the Spirit, was wholly agreeable to our *New Presbyterians*. Now I had no familiar Acquaintance with any of the Ministers, there being no settled One of that Sort in our Parts, but chief of some of the Elders and others, I began to dispute with concerning the *Quakers*, in order that they might rightly understand the *Quakers* Belief, concerning the grand Article of our Salvation, *to wit*, the New Birth, not doubting but then they would think more charitable of them; for I was sure it was the Spirit of Christ that brought us from Darkness to Light, by an inward Work, that was sensible to him in whom it was wrought, and not because of our own Works, or outward Performance, or Ceremonies. This they would readily acknowledge, but add, we must still be found in the Use of Means, though we believe they profit us nothing. All this I could grant, which made me narrowly search, to see what outward Means or real Commands of God were neglected by the *Quakers*, and what real Authority, without Partiality we had for our present Form I order thereto, I look'd back to see by what Means or Rules I had obtain'd so far on my Way as I was; and here I clearly and plainly saw, it was owing to God alone, by this Light in my Conscience, who had drawn me to himself by his good Spirit, and in the very Manner as the *Quakers* had set forth. As for my being baptized, it was done when I was an Infant, and by all Likelihood by one that was a Stranger to God, neither could I see wherein it had done me the least good. And for me to suppose that the good Spirit of God would neglected me, if I had not been baptized with Water, was more then I dare do; seeing those *Quakers* had witnessed it, owning them more then any People I could hear of. I would therefore reason with my Friends, that if any Person attained to the New Birth, and became sensible of the sanctifying Work of the Spirit, it was no matter to us by what Means he attained it, as to the outward Ceremonies he used, seeing God had accepted him.



[24] I likewise told my Friends plainly, I had more Charity for the *Quakers* a great deal, then I had for the *Old Presbyterians*; for this Reason: As we hold, and truly believe it, to be by converting and sanctifying Grace, that we are made fit for the Kingdom, and not by the Performance of this or the other Ceremony; and seeing the *Quakers* owned this, and believed in the powerful Work of God, it might be the Ceremonies only, they differed with us about. But the *Old Presbyterians*, if once they come to own and experience this Work of God, this Power, which teaches, redeems, and sanctifies the Soul, then there is nothing more between us, seeing as to Outwards, we are all the same. If so, they could not oppose the very Ground and Pillar of Truth, on which the Church of God is built, *to wit*, the Revelation of the Spirit, and call the Workings thereof, diabolical, enthusiastical, and spiritual Phrensy's. Imbibed Notions of spiritual Calls to the Ministry, and much more with writing malignant Satyrs against the very Power of God, such as the Description of the wandering Spirit: All which shews their Enmity to the Gospel of Christ. As there is no outward ceremonial Difference between us, some would own the Substance of all this to be true; but still deny the *Quakers* Salvation, and would have it, they knew nothing of the Work of God, but only some deluding Notions of the Devil, and wanted to prove it, by saying, they denied the Scriptures, and deny'd Christ's Coming in the Flesh; and would go start Naked about the Streets, both Men and Women, daubing themselves with Filth, and going into our Meetings: And that they wholly depended on their own Works, and said, they were Holy and Perfect, and needed not the Blood of Christ: That they seldom prayed, and never for a Forgiveness of their Sins. Thus are these People represented to any One, who seems to have a Liking to their Ways, in order to frighten him from any further Search; for I am of Opinion, that there are few who are truly seeking the Kingdom of Heaven, who impartially look into, and examine the Principles of the *Quakers*, but ten to one he is convinced of the Truth of them; though many may fall back again, because by and by, for the Word's sake, they are offended, because their Doctrines testify to the Truth of that Word in their Conscience, which is deviding between a Man and his Lovers, and the Way becoming too narrow.

I also found there was little or nothing in the above Slanders; this caused my Love for them the more, seeing there was all Manner



of Evil spoke of them falsely for his Name sake. The Reader may have an Idea of a true *Quaker* by the foregoing Discourse, at least of that Power which makes a true *Quaker*. For now I saw plainly there was a certain Power, and that of some Spirit (chuse from whom), that whomsoever suffered himself to be led thereby, became sober, honest, just, faithful, merciful, humble, low, meek, temperate, abundantly given to Prayer and Meditations, hating Sin, and delighting and desiring Holiness. And what is very remarkable, what it taught of old it taught now, what it taught one the same another being the same, Yesterday, to Day and forever. Speaking the same in *China* as *America*, being in Substance this, "Love [25] the Lord thy God with all thy Heart, with all thy Soul, and with all the Strength, and thy Neighbour as thyself." Besides this saying none other; he that understands may read the whole in this small Lesson, but he who understands not, may imagine this is an old Lesson, and that many other Nicities and Ceremonies are since added. But I can tell thee O man! and that by Experience, thou canst not learn this one short Lesson from the Letter; but by the Spirit thou art first convinced, that thou lovest not God, or thou wouldest forsake thy Sin at his Reproof, and when thou forsakest by Degrees, he will also shew thee that it must be with all thy Heart, and with all thy Soul, and will be thy Helper as well as thy Teacher, to put out all thy Strength. And if thou plottest out against thy Neighbour, saying to thyself, he may do the same to me, and it is nothing but just, and that the Law will justify the same. Here thou mayest darken the Letter, but the Spirit will testify it to thy own Face; thou oughtest not to do so, but love thy Neighbour as thyself. Thus it brings all thousands and ten thousands to be of one Heart and one Soul, be their Profession as to Ceremonies or Forms what it may. I can safely say I never knew it take Part in one disputed Form or other, though to some others it may, but more likely. I believe we are apt to strive to shelter ourselves under ceremonious Forms when the Way becomes too narrow.

And I believe thousands of those who bear the Name of *Quakers*, know nothing of this saving Power of God. They having as well as others trampled it under Foot, setting up Forms to shelter under, and loving the Pleasures of Life under the Form of Holiness, whose God is their Bellies, their Sweet Hearts, their costly and grave Ap-

parel, the Esteem of Man, and their fellow Mortals, besides others having no other concern but to maintain their Right to Society.

For the Seed of God is not like an Estate, the Son of a *Quaker*, or Son of *Abraham*, if he letteth it not grow in his Heart, he is as much a Stranger to God, as though he were the Son of a *Turk*. The Promise never was to *Abraham's* Seed by Generation, which Seed by Generation nevertheless holds the Profession as to its outward Shew, nor am I intending to plead for any Name or Profession under the Sun, but only for the Truth of that Spirit of God and Power of our Lord Jesus Christ, for which I first put Pen to Paper.

Only I can add, he who rejects this Light in his Heart, and is not led and guided by its Dictates and Motions, is no *Quaker*, nor of the Seed of *Abraham*, let him make the fairest Shew whatever. So was it of old, and of Course must be with the best reformed Societies. Some who come in by Generation, as the Lord complains, steel his Word, garnish the Sepulchers of the Prophets, embellish the Writings of the Antients, hold the Traditions of their Forefathers, which without the Life, the Spirit, the Blood and Vitals, are but dead Forms, *straining at a Gnat, when they can swallow a Camel*, as our Lord complains, *they are like whited [26] Sepulchres, which indeed appear beautiful outward, but within are full of dead Mens Bodies*.

But I shall leave this to the Reader's Judgment, whether he, who is obedient to this Light of Christ, singly to himself, and not from Tradition, whether he be not a Christian. Neither do I mean to exclude such, who may fall short divers Times, through Temptations of Satan and their own Lusts, who are yet striving to overcome, and grow in Grace; yet this I can say from my own Experience, this Spirit will never consent to any Evil, and if not trod down and rejected, will strive against it and every Tendency thereunto, in such a Manner, as will bring the Man or Woman, Son or Daughter, from under the Bondage and Slavery of Sin. And this alone I can venture to affirm is the Faith and Belief of a *Quaker*, whatever Practice may be the Contrary by some, or if all, who hold the Profession outwardly. I have dwelt thus long on this Subject, because I have found no Society who publicly own this Power in its full Extent from its first, last and every Appearance, with that full Assurance of Faith as the Apostle *Paul* had, who ventured to preach Christ

from the Revelation of the Spirit only; and at last declared, that which was in Man's Heart and Mouth was the Word of Faith, which he preached.

Yet I believe many of all Denominations do own and believe in Christ within: As to their Particulars, even while small in Appearance, and like unto a Mustard-Seed, though despised by their wise Rabbies, who will have great and splendid Notions of him outward, and above the Clouds, where their Belief of him without them will profit them nothing except they become Children and Fools, and believe in this Light, take up the Cross. However little and silly it may seem to be, and as they may think fit only for Children, yet if they, while really Fools and Children, (in whom I always believe it strives) did not believe in most (when Men, and grown Wise) again become Children and Fools; and indeed the only Time is when we are Children, to *remember our Creator in the Days of our Youth*, before our wise Notions are grown so high. Yet is this Power able to subdue the stoutest Soul, and wisest, or Self-righteous *Paul* in being.

Now though I thus argued, I had no Thought of leaving the *Presbyterians*, I rather expected from what I could learn from their Preaching, for I had the Opportunity of hearing many; for there was no settled One in those Parts, but Plenty of Travellers and Supplies from other Parts. Thus I say, I expected they were coming into the antient Purity of the primitive *Quakers*, in Things of the most Importance, such as the Holding forth; a spiritual Ministry not allowing that any One ought to preach the Gospel, until they were called of God: In plain, not till they were inspired and moved thereunto by the Holy Ghost; what else meant *Whitefield's* Letter to the Bishop? And thus they would express themselves in the Pulpit: "What? shall I not gain one Soul to God? has he sent me "all the Way from *New-England*, to preach to this Congregation "for Nought? Surely not, there is some Soul within my Au[27] "dience, for whose Sake I am sent so far, and who has receiv'd "Benefit by the Gospel Promises I have declared.

"O! what shall I say to my Master this Night? must I tell him, "you will not hear? What Answer will ye, that I tell him who sent "me this Day to this Place? O! let me tell him, ye are willing." And in Prayer: "Not to presume to speak, without the Life and Power." Yea, they seem'd to cry against a dead and carnal Ministry,

against the Diversion of the Times, Gaming, Racing, Tipling, Dancing, singing vain Songs, petty Oaths, as, Faith, Troath, or taking the Holy Name in Vain, Quarrelling: And I soon expected for them to testify against Wars and Fightings; for I was sure it was contrary to the Lamb like Nature of a Christian. Thus I thought we were coming to a spiritual Worship, for I had still a very mean Opinion of the present *Quakers*, and I fear I had too great Reason, and have since found the better Sort are sensible of.

But it was this one Pillar, this one principal Ground of all Truth, that I contended for. And thus persuading my Friends, to have Charity for all that bore this Image of Christ, let their Profession be what it would. And thus I heard the *Quakers* Principles falsly accused more and more; as I would have no Regard to what they alleged against the People, for those who walked contrary to their Principles, it lay at their own Door. And I said, the Principles were the Truth, and ventured again to read some Sermons in *Sewell's* History to some of them, who would allow the Doctrine therein sound, but would object, they preached thus sound, to catch and delude Souls; for they would have it, the *Quakers* knew they were deceiving the People, being some of them Conjurers, and others, sent from the Pope on Purpose. I began to assert these Things to any I met with, who stood for the *Quakers* in the same Manner they had been asserted to me, for I began to think there was something in it. As to any Matters of Fact, they could but deny them, and told me they all had been manifestly proven to the Contrary, and recorded by good Authority, which I might know the Truth of, by searching into the Disputes of that Day. And as to horrid Principles, their Principles were in Print, in a Book called, *Barckley's Apology*.<sup>5</sup> Now I had been told, they never would shew their Principles to One, until they had catch'd him by a fair Pretence and Shew of Truth. The Person whom I mostly talk'd to, who held for the *Quakers*, was one that had been brought up that Way; but had left or been turn'd out of that Society. He told me one Day, to call at such a *Quaker* Preacher's House, and ask him to lend me *Barckley's Apology*, (adding, they mostly had one in every Family,) and he would engage they would not deny it to me; but I did not soon go, as I was so well warned, I was

<sup>5</sup> Robert Barclay, *Apology for the true Christian Divinity; as the same is held forth and preached by its people, called in scorn, Quakers*. The first edition appeared in 1676 and was dedicated to Charles II. It was reprinted in Newport, R. I., in 1729.



careful how I ventured to be familiar with them, nor would I go to their Meeting, not when being overtaken by One who was going to Meeting, and over persuaded me to go, but I confidently refused.

But as one Thing was most confidently affirmed, and by some I thought I could believe that was the *Quakers* denied the Scriptures to be [28] the Word of God. Now I had never considered the Distention of the Word of God, by which the World was made, and by whose Word and Power all Things are upheld; but I simply understood the *Quakers* denied the Scriptures to be the written Words of God, or the Writings of inspired Pen-Men, and of no more Certainty or Rule than any profane History. Thus I was speaking to the aforesaid Man, of such a monstrous Principle as to deny the Scriptures. That Book, says he, that I was telling you of, has a whole Proposition in it concerning that very Thing.

Then one Day I call'd for it, and met with some of my Friends, who ask'd what Book? and seeing I was determined to search myself, and not take Things on Trust, they advis'd me to fortify myself against it, and determine before hand not to believe it, however plausible it might look, or I would certainly be bewitch'd by it. When we parted I opened it on Horse-back, and soon found that Part concerning the Scriptures, which I found altogether agreeable to my own Judgment.

He held, "That the Spirit of God, by which the Scriptures were wrote, was a more sure Word of Prophecy, not subject to change, as the Scriptures were in some Sort, by corrupt Translations and different Meanings by each Society;" yet he held, "they were nevertheless preserved so pure, that they were willing to stand by the common Translation, and have their Principles tried by the Scriptures." O I soon considered, though I had not strictly thought on it before, that had we the Scriptures in their primitive Language; yet that Spirit or Word of God, that came unto me (to wit the Prophet,) saying, write these Words, or speak these Words, must be the principal Word, and only and foremost principal Rule. And I was, and had been of the same Judgment before, it was even a Doctrine among us, that we understood not many Parts of the Scriptures till opened to our Understandings by this inward Word and Spirit of God; and I considered how it was this invisible, though sensible Word and Power of God, that had been the only chief and principal Guide I had hitherto walked by in the Path of Holiness, the Scrip-



tures were of but little Use, but when brought and applied by this Spirit, either in convincing me of Sin, or in Comfort and Consolation; yea, I might have gone in many Sins, and never knew it was Sin, if I had not been reprov'd by the Spirit, though I had got the whole Bible by Heart; and when by Temptations of known Sins my own Lusts and Inclinations were drawing me aside, when a Bible was Miles off, God, who was nigh at Hand would resolve the Doubt, and reprove, and withstand me from doing this and the other Sin. And when I obey'd the Voice of God it opened my Understanding to see the Bible, speaking the same Things, and holy Men of old experiencing the same, then they afforded me Comfort; then, and not till then, I reap'd the Advantage of the Scriptures. By this only I truly believed them, by this I truly know them to be Truth, and prize them beyond all other Books. [29] And now, unless I have chang'd my Opinion on the reading of *Barclay*, I was and had been all along of his Judgment about the Scriptures.

When I read him of the Inspirations of the Spirit, he was exactly agreeable to my Judgment, and for which I could then have laid down my Life with Pleasure as a Seal.

As to Perfection by reading our Writing before I conceiv'd of it not to have been attainable in this Life till the last few Moments; yet many Times I had pray'd for, and desired a complete Victory, also Perseverance, or falling from Grace, universal saving Grace, and original Sin, I had had different Ideas of. Yet the Things in which I differed from *Barclay* in, were chiefly Notions I had learned and took from without; yet I could not see this immediately, for in Things wherein we differed, he proved so fairly and clearly from Scripture, that I was merely confounded, and could not gain say; yet Education worked so strong in Things I had got a Hold of that Way, that when my Judgment was convinced that the Scriptures held so, I was feign to think it was possible that both *John*, *James*, and *Peter*, were mistaken, and simply drop'd a wrong Notion of the Matter.

So that instead of finding the *Quakers* denying the Scriptures, I found we must deny them, or claim a Right to force their just and genuine Meaning in those Places.

But I hoped still our Ministers taught us as we could bear, and ere long would declare and bear a clear Testimony for Jesus Christ, to reign in his Church, sole King and Lawgiver. So went still to our

Meetings, and look'd on myself as to have a natural Right; in all this Time I never had sung Psalms, and my Thoughts of the Lord's Supper was, if I found the Spirit of God bid me to partake, I should offer it, otherwise not. But this I found wrought only against my corrupt Will and sinful Inclinations, not, as I can remember meddling in this Controversy one Way or other, save that sometimes I was reprov'd and forbid contending, especially if I grew angry, which sometimes I would, when my Friends now would begin to mock at a spiritual Worship of God, they began to grow worse than better, and began not to stick at the mentioning so much of the Spirit. And I had to observe, when I was reprov'd, let me argue ever so fair afterwards, and be ever so careful of Passion, I had no Peace but self-Condemnings.

I was continued and drawn to be constant in Prayer, and by the Spirit drawn to attend our Meetings. When sometimes I would have let in an Excuse, also to cross my Will, even in Trifles, as sometimes under a Sense of my own Unworthiness, I would not dare to strike even my Dog, when he was disobedient, nor yet to throw a Stone at a Bird, for my Diversion, nor divert myself in Orchard, playing with, and throwing up young Apples, nor please my Appetite with pleasant Fruit, nor sleep a Nap in Day-time, nor let the Sun rise one Morning before me, nor touch a young Woman in a modest Manner, nor meddle in redeem[30]ing Pawns, given among young People at Plays or cross Questions, nor give myself the Liberty of jesting.

Many of which silly Things were harder to conquer then great Sins, and the Cross herein more difficult. And which is remarkable, I found by our Preachers the Way was becoming as narrow to them all, or many, for they began now to preach, that Satan had transformed himself into an Angel of Light, and was like to deceive the People with those silly Things: I heartily wish'd they could have proved it, for in short, the Way became so narrow, and according to the *Quakers*, I must walk therein. I began also to contend, and would have it was the Devil; but I would be so condemn'd, and obliged to fly to Prayer to God, in which I would earnestly beg, that he would clearly shew me if it was him, and I would obey; and when I honestly consented so far without Reserve, it would be clear'd to me to be the Lord Jesus, that I would not have the least Scruple

left, and in my Obedience would have sweet and solid Returns of Peace beyond Expression.

And now to this Day I have this to testify, that in all my Life I never had to repent obeying its dictates in the silliest Thing; but contrarily have ever to repent my Disobedience.

Nor have I to excuse myself, as some might think, as to lay the Blame on the Ministers, who encouraged us to believe it was the Devil, for if it had not been so, contrary to Flesh and Blood, all they could have said would not have availed.

I was also reprov'd for vain Thoughts, though they were ever such good ones, and all tend to the Advancement of Christ's Church; and I remember I was once told by one of our best Men, "That there was "certainly a false Spirit at Work; for he had been once persuaded "to believe this Work of God would have been carried on, that every "Soul would have bow'd thereto, and Satan chain'd; so that we "should before now have had a Paradise on Earth, which yet prov'd "a Delusion." Now I presently saw, I thought to the Bottom of this Delusion, for in Things of the Spirit of God the Natural will always oppose, and we have to believe in the Cross: But such were those vain Thoughts, as I had just observed, for which I was forbid, and which were so far from God as they were wholly pleasing to the Will; and by forsaking the Denying ourselves in this, that we formed these grand Schemes of imaginary Paradise, wherein we would escape this troublesome Warfare, and Mock of wicked Men. Such were some Notions I saw in Print: "That God or Heaven could as soon "fail, as *Whitefield's* School in *Georgia*;" or to that Effect. I remember I had a Notion and Hopes of some such most glorious Time, but it was more from my fond Imagination of such a Thing, and handed from one to another, than from this Spirit working in the Cross, and to which the natural Man is Enmity, which Cross of Christ is most safe But as I said, Thoughts of that Kind, such as become a Cæsar, a King, or a Preacher, endued with Power of God and converting Thousands I was forbid, and found it very hard to conquer.

[31] Yet when I was commanded to rebuke Sin in particular Persons at a particular Time, I found a Backwarkness though I had desired such a Call; but now I found the Difficulty and Difference of going in our own Wills. We desire a Power from God, a Com-

mission in our own Wills, but we want to chuse a convenient Time, and Suitable Subject; nay we want to choose to whom: In short to have the whole, just as we would to go when and where, and to say what we thought right.

But O how can such pretend to be led by the Spirit. At length I was commanded to go and preach the Gospel to one certain Man, but I wanted to study what I should say and how to begin, but I could not tell what I was to declare, and I lay under it many Days, and when I went I brought the Discourse as it were about accidentally, and exhorted him in what I thought he was most ignorant. And I now sided to the Presbyterian Doctrine, for this Trial became so close, I would not have it that the *Quakers* was right at all, when I said all I could I had no Peace. My Errand was yet undone, so was I forced to go again and saw wherein I missed it before; for I was to say what God gave me to say, but I was afraid it would be some silly Thing that would be laugh'd at, so performed as before, and was sent again and again, but performed in like Manner, though I going I would determine to be obedient, come of it what would. At length he became sick, when I heard that, I was almost frightened, but promised I would go to-morrow; but about Midnight, that Night I awaked and found a Command on me to rise instantly and go; it was very cold Winter Time and I could not consent till Day, but at such unseasonable Time it would be observed and talked of through the Country. But now I began to feel the Wrath of God to kindle in my Bosom, and I cried O Lord Jesus! convince me of a Truth that it is thee, and I will go at thy Command; and I can in Truth declare it, in a Moment's time he appeared like a Blaze of Light, enlightening the whole Room and said, *It is, I, be not afraid*. I had shut my Eyes from seeing the Glory of that Light, for it so resembled a real outward Light, that I had no Question of it; and being told *to be not afraid*, I opened my Eyes and had to behold, that Light was wholly within my Soul. I rose and went, and had to tell the Man, the Lord Jesus only was his Helper, signifying, he must not trust to any Thing I had done for him or said. I found a Freedom to leave him; but knew I had a more particular Message to say, so sometime after, going by a Field, where he with some others were at Work, the Spirit bid me



go and deliver my Errand to them all; yet I wanted to shift it off for another Time; but God's Anger now began to burn again, and methought I could see Hell opening her Jaws again, to receive me, yet did I stand out till my Strength began to fail, and my Body to quiver under the dreadful and approaching Horror, if I now refus'd. I went over to them, who ask'd me some Questions, but I answering little; they fell into Discourse among themselves, when I began to hope to be excused; but One says after this Manner: "I don't know what Sort of People such are; for my Part, if I owe "a Man but [32] *One Shilling*, my own Heart will not let me rest "till I pay it." On which I was press'd in Spirit, having yet the Remembrance of that Fear and Dread, and I says, know ye what that is you call your Heart? He answered No; without it was his Heart: Then says I, hear me, and I will tell you what it is, so delivered my Errand as well as I could, beginning a little by Way of Introduction, to open some foregoing Points, how Man came by the Fall, until God sent his Son even Christ, which Power of God dwelt in a human Soul and Body, and being kill'd and crucified, thereby laid down that Life for the World, thereby purchasing a Portion and Manifestation of that same divine Power to be given to every one: And that is this Grace that speaks in your Heart, and will not let you rest till you pay your just Debts. But this is not all it says, look inward and obey this, and it will say more: It will not let you Lie, Roar and Sing, Curse, nor Swear; and some more to this, or nearly to this Effect. Though I pen it now by the Strength of Memory for some Years, nor would I be understood to pen it with Intent that every Word I then delivered, was infallibly and strictly true, knowing it to be a hard Case, at first speaking not to mix, yea, and be permitted to drop some Things we are persuaded to be so, but recommend every One to God within himself.

Now though our Principles held, there was no falling from the least Spark of saving Grace, yet, because of my Unwillingness to confess Christ I was at Times exceedingly afraid: The Scriptures also sided with the *Quakers* in these Things, and oft I was left inexcusable by the Spirit, who witness'd against me for God. And I was feign to search the *Quakers* Writings for Relief to see if any of them had ever been so disobedient as I. And I found Encouragement from some who had stood out, Year after Year, and then

took up the Cross, came to *New-England*, and suffered Whippings, &c. one in particular, directed me to the Book of *Jonah*; but not till now did I know and feel the great Use of that Book to some poor Souls.

I began also to go to the *Quakers* Meetings; but I rather became confirmed that the present ones knew too little of true Religion, our own People began to undeceive me, and publicly disowned the inward Inspirations of the Spirit; so did I begin to defend altogether the Principles of the *Quaker*.

Once taking the *Confession of Faith*, (a little Book) out of an Elder's Hand, I happened to open it in a Place where it orders a Man must be twenty-four Years old, before he shall be ordain'd to preach the Word, seeing it strike at the very Life of Religion, cutting off all Faith in God, afraid to trust a younger Man.

Where is St. *Paul's* Faith here? who preached 17 Years by the Revelation of the Spirit; so far from receiving his Doctrine from the rest, that when the Spirit bid him go to them, he was feign to do it privately, lest he might or had run in vain. I asked the Elder to lend me the Book, after shewing him how it smell'd of Carnality; but he knew my Zeal for [33] a spiritual Ministry, and was one I believe that had experienced much of the inward Life, he refused me the Book and said, they did not stick to that Order, but if one in younger Age was called they gave way to the Spirit. I soon got one, but found they did not prove Matters fairly, but the Enquirer had to allow their Meaning on Texts, and some Texts had no Reference to the Matter. I got Books also wrote against the *Quakers*.

To sum up the whole Matter, my Friends took upon them to direct the Spirit, and suffered themselves to be led thereby as far as they tho't fit, and when it led them out of their old Customs and Ceremonies then give it a new Name, and call that wherewith they were sanctified an unholy Thing, that which they must own to have been the Author of all the good Desires; that which had began to new-mould their Souls into the Image of God, they would now call the Devil. One Cause I believe was, if God taught his People himself and qualified his Ministers in Reality without the Colleges, then the Fleece would be in danger, no need for Pence; but I leave this on their own Consciences. And What I know by Experience I can speak with Assurance, so the Narrowness of the Way, the Difficulty of

crossing our own Wills by denying ourselves, this is contrary to the Flesh; it is easier for Flesh and Blood or the natural Man to fast two Days by their own Appointment, then one Meal by the LORD's. Yet there is more Good in a Fast of only Half a Meal by Gods Appointment, then in a Score of our solemn appointed Fasts, which is plain to the Understanding the latter being no Fast, no more then if I happened to be where I could get nothing to eat for a Meal or so, this was known before hand and our Expectations prepared for it, no Provision made, there is no Expectation, nor no Temptation, no Battle fought, so no Victory gained, neither over our own Wills nor Appetites, and our Lord well knew the Nature of those Fasts as among the *Pharasees* was practised, and commands his Disciples to fast in secret, and to pray in secret, which Command I beg all Babes in Christ to obey, for nothing worse for a Youth in Christ to let the World know it fasts to God and prays to God. I charge you therefore when the Power of God is revealed in any of you, that you are constrained to forsake your old Companions and pray to the Lord, steal from them and hide thyself, don't so much as let thy nearest Friend or Relation know thereof, *Let not thy right Hand know what thy left doeth, and thy Father will reward thee openly*, and give thee Strength over these Things, and when the Lord calls thee to confess his Name fear not, neither restrain Prayer before him, for that is the very Sword of the Spirit. Refuse not to pray before him though he calls thee at Midnight, though thou hast put off thy Cloaths, arise, put them on and let in thy Beloved be it never so cold. Don't bring your Trash of Forms for an Excuse; I have performed Family Prayer already at seasonable Hours; I have attended our First and Week Days Meeting. I am in danger of taking cold, why did thou not come at seasonable Hours at the Times appointed? In this Sort of Language we was encouraged to resist and rebell. From the [34] Pulpit, even by *Samuel Finley* since settled in *Nottingham*. I doubt not but if such Formalists were only in Love with a Fellow Mortal, and an Opportunity offered for embracing each other, these would hardly be so much pleading unseasonable Hours; methinks I can see the intended Spouse to be affronted at so much as a Grumble.

There is another Thing which is the Want of Faith: When I grew weak in Faith, I doubted whether would this Spirit lead me,

and when both together, I pretended I was afraid to be led aside by Satan, but the Truth is we are afraid God will not lead us as we would have him, he is putting his Yoke on us and we can't trust him. And foresooth this, they would give as an infallible Mark of Satan, if we were pressed to smaller Things more then to the greater Duties of Religion. When in Truth these greater Duties was but a Form which we would by Custom have done of our own Wills. What should we have called him, had he commanded one of us to have gone barefooted three whole Years? for of Course, a stronger Pressing would be required to such a Thing then our accustomed Duties; methinks we should had an *Enthusiast*. Be sure had we had an *Isaiah* or an *Abraham*, would any of us believed God if he had tried us to slay an only Son. But do any suppose God convinced *Abraham's* Understanding by a miraculous Appearance and outward Voice; where then would have been his great Faith, which is an inward Belief against our outward Senses, that which is made visible to me outwardly, which I both see and know by my Understanding I believe sure enough, and so do the Devils. *Thomas* believed, because he had seen and his Understanding convinced, but Jesus said, *Blessed are they who believeth with Abraham's Faith*. But to conclude, I know by Experience nothing hinders this Faith from taking place in our Hearts, as our Love for Sin and the Contrarity of it to the Flesh and our natural Wills, if it did not reprove our Sins and oppose our Pleasure, we are not so much afraid of dishonouring God. But whilst I pondered on those Things, the Lord appeared to me in a Vision of the Night, in a Dream, and having a perfect Remembrance of it, choose to relate every Particular.

And in my Dream, I thought the Lord Jesus appointed a certain Day on which he would descend, on a certain Part of the Earth to act a Play, with all that should be ready and meet him there, and Notice was given thereof every where, at least I thought the Notice in our Parts was general. I thought also aforetime, the Lord had given every Man and Child at such an Age a Pair of Sleeve-Buttons, and they were to come wearing them Buttons in their Sleeves, or not be admitted into the Play. I heard of it some Days beforehand, and began to consider what had become of my Buttons, and remembered I had laid them up safely in the House behind the Plates and Dishes on a Shelf or some of the Shelves, and thought to look them



up when I went to the House and have them clean and ready, but when in the House I forgot them, and would think of them again when out at Work, but still forgot either at Breakfast Time, Dinner or Night. As the Time drew nigh I grew more [35] and more uneasy, and once or twice began to look for them, but found some pretty Thing or other to look at and think about, and so forgot them again until the Day came, and about nine o'Clock near Breakfast Time I remembered, but now least I should be too late to go first and look my Buttons, and began to reflect on my Carelessness, and tho't if I was not too late I would mind my Business better, and had a Fear if I went now to the House I should not find them, so I set off and ran to the Place of Meeting. I ran exceeding fast, and while I was yet a great Way off, I lift up my Eyes and beheld a small Company on a Plain, at which I took Courage and ran a little farther, then looking again I saw the Lord standing near the Middle of the little Company; who was in Rank, with their Faces towards me, and I knew the Lord as my only Acquaintance, who I thought beheld me with a Smile, but some of the Company moving, (for I was yet a good Way off), I saw their Silver Buttons which shined very bright, on which I stopped and beheld every one had on an exceeding clean white Shirt and the Buttons in the Sleeves, and I thought it looked exceeding beautiful.

I stood a few Moments thinking what I should do without mine; and casting my Eyes on the Lord, I saw him looking steadfastly on me with a smiling Countenance, on which I took Courage, and said in Spirit to him, Lord I will come forward, thou canst in a miraculous Manner bring my Buttons to me; but I thought he gently altered his Countenance into a Resemblance of a Frown, and answered me by his Spirit inwardly, that back I must go for my Buttons, and come wearing them; then I breathed a Prayer to him, to assist me to find them, and give me as it were Wings to fly: So I turned back, not doubting of his Assistance, and ran as fast as before. When in Sight of the House a Man met me, and he knew my Errand, and says, "Here are your Buttons," turning, as though he was going to get them, I followed him, glad to get them so soon; but he seemed to dally, and I look'd, I was in Sight of the House, and was sure I left them there; and the Man was going over a muddy Place, I turned from him, and began to run again; but he called

out, "Here they are," and began to scratch up the Mud: I could have trusted the Man in any temporal Matters, and did not suspect him to deceive me, so going up to him, he scratch'd out of the Mud a very pretty Pair, and began to wash them in some puddles of Water among the Mud; I knew directly they were not mine, for I knew whose they were, and says, why them are such a Ones; "ho! says the Man, they will do, this Way, in such a Hurry, and———" "don't want them or cares nothing about them. Then in Spirit (for I was not now in Sight,) I looked to the Lord, to know if he would approve of them; but he looked angry at me for turning aside. Then I scolded the Man, for now I perceiv'd he did it on Purpose, because his own were lost, and I said, why did you thus deceive me? you know they would not do; besides, put them in the same Place, for —— may want them.

[36] The Man looked ashamed, and I ran on, to the House; it being now late Breakfast Time, there were some eating Pan-cakes, I being hungry fell also to eating; but before I had eat half a Cake I bethought myself, ran to the Shelf, and readily found my Buttons: Then I went to my Mother, (who was among many strange Women that were come together on the same Occasion,) to get her to put them in my Sleeves, while I eat my Pan-cake, which I held in the other Hand. After I had done eating, I stood sometime looking to and fro till I thought she was tedious, then looking to her, she had tied them one on each great Toe, with Thread, I cries out, O why so! they won't do you no good there, she said why then are you so heedless? O says I, why would you serve me so on this Occasion, put them in, you can do it faster than I can with only one Hand. She nimbly cut them off my Toes and went to putting them in my Sleeves; I watched till she had one Button in one Side of the Wristband, when I took off my Eye looking round, but turning again to watch, she had slipt the Button out again, and was moving her Hands to my Toes; O what says I do you mean? seeming Angry; why says she if I had put them in it would not have done, you must put them in yourself. Then I took them from her and run out towards the Place, intending to put them in as I ran, but I was getting them ready, I suddenly met the whole Company, which shocked me so, I lost Countenance, but says, I hope it is not all over.

Not over says one, would we stay waiting all Day. By which Time I saw the Lord, and was sensible he knew all I had been about. Lord says I, and took hold of his Hand, I hope it is not over? No says he the Time is adjourned; I said not on my Account Lord, for thou knew I was coming; and he said no not on thy Account only, but for thousands besides thee. One answers me and says why, but had we not been come away you are not wearing your Buttons, the Lord (says I) knows, I should have got them in my Sleeves as I went along. But the Man seemed to doubt, though the Lord did not gain say me. So I began to shew the Man the Way, and it was partly by Faith, and that the Man knew as soon as he saw me put them in; and this had detained us two a little behind, and then following them into a House where was a great Fire, and they all stood warming. I went to the Lord to shew him, I now had them in, and took him by the Hand, sorrowing, he was going away so soon, and in a little Time he was gone, nor did I know how long the Time was adjourn'd. And I remember the Number of them that met, wearing their Buttons, and it was Nineteen, I was the twentieth, (had I got there,) nor did I see One more attempting to come. This is the Whole, and the Interpretation I leave.

As before observed, I had been some Time under Fear, and this Dream encreased that Fear; but the Presence of God would afford me Comfort under any Fears; so all the next Day I was favour'd with his Presence more than common, and with much Assurance of his Love, though I had a Sight accompanying, that he would withdraw his Presence from me for a Time, which caus'd me the whole Day to pray, that [37] his Holy Spirit might not be quit taken from me, my Heart trembled with the Thoughts of living in the World without him. Thus his Presence continued all that Day with the same Assurance of his Love and Care, and still accompanied with that Foresight that I should be left for a Time. And the next Day I found it even so, as soon as I awoke; I found myself like One in a solitary Desart, my Beloved was gone, and I knew not where to find him. Now I began to count the Time of his Coming, and methought it long if he should stay one Week; yet after many Weeks, I counted if it should be many Months, my Hopes would even fail. Now nothing could revive my Soul, all wordly De-

lights and Pleasures I despis'd, all the Grandeur and Pomp of the Universe would have been but as a Bubble.

Where to enquire after him I knew not, the *Presbyterians* had disown'd him, the *Quakers* I could not trust; yet my Soul longed for his Presence, nor could it be satisfied without him.

No hunted Hart ever longed more after the water Brooks, then my Soul did after God; and when I looked into the usual Place of his Resort, behold he was gone, and I knew not where.

All Men for Relief I forsook, I put no Trust in them: I resolved to bear my Burden alone and unknown, though he stay'd now a Year, and Years after Years.

I went now by Turns to both Meetings; the *Presbyterians* gave out from the Pulpit, "That the Power of God had left them, and "said, it was from the great Opposition it met with by the World," meaning those that oppos'd the *New-Lights*. I thought for my own Part, the Opposition in myself was the most material. But I remember the Minister took much Pains from the Pulpit, to encourage his Hearers to depend on their former Experiences, and not throw away their Confidence, assuring them there was no Possibility of falling from Grace, and he preached much from a Text, where it says: *If thy Heart condemns thee, God is greater; but if thy Heart condemns thee not, then hast thou Confidence in God.* After much Stuff, the Whole he made of it was, "That God was greater, and "would justify; but if our Hearts condemn'd us not, it was as well, "and then we had Confidence, &c." All this Shuffling would not do with me, if my Heart condemns me, God is greater, and so much more and greater, the Condemnation would be, Conscience is here meant no Doubt; and the Answer of a good Conscience was, the saving Baptism, a pure Conscience and undefiled, is what we are to press to. They owned God's Power was gone, save at certain Times, and I saw they could preach without it; they were turning back to *Old Presbyterianism*, and a State of dead Forms. Thus I left them, and was the more confirm'd in the Truth of the Christian Religion, as I have all along plead for, nor was my Faith on Man, it matter'd nothing to me, that this did so, and the other so, for if it was Evil, I knew it was done in Opposition to that Power. When I had to remember how the Lord watch'd over me from one Year's End to another, Night and Day, exceeding the Care of a



Mother over her sucking Child. I speak the Truth Friends, I lie not, I am not able to set in forth to the Full, it was not possible I could believe this Spirit was to blame for the Sins of the Disobedient, I mean that Spirit testified of by the ancient *Quakers*, for I am as sure the Spirit they witness'd of was the same, as I am of my Hand being Part of my Body, and I have known it strive so much against my yeilding to Sin, that the Thoughts of bringing Dishonour to his Name has been a greater Motive to restrain me therefrom; than all the Terrors of Hell and Damnation.

So my Faith being not built on Man, the Fall of Man did not stumble me, for that will be Truth, tho' all Men deny it. I went now altogether to the *Quakers* Meeting, and been much ever since a quiet Spectator; and have seen my Beloved at Times, who would touch the Handles of the Lock and withdraw, and peep as it were through the Lettice of the Window, or through the Roof of the House; sometimes appear on the Way, but withdraw as soon as I came in Sight of the City, or Assembly of the People: Like a Mother who weaneth her Child from the Breast, so is my Beloved; nor may he *be stirr'd up till he please*. Satan now plan'd his Designs against me, and was more than seven Years advancing by such slow Degrees, as scarcely discernably his nearer Approach. At length he *stirred up my Beloved: O ye Daughters of Jerusalem! stir the affectionate Son of my Bosom*, and has promised, *that then my Soul shall live; stir him not up*, he will come in the Time when it shall please him, and be as a Wind in the Forrest among the Trees.

FINIS.

Written about the Year 1750.

## HISTORICAL NOTES

BY D. L. CORBITT

George Burrington, Governor of the Province of North Carolina, was removed from office in 1725 by the Lords Proprietors, because they feared he would stir up a revolution in order to force them to assign their property to the Crown.

The Crown assumed control of the province in 1728, but Richard Everard continued in the capacity of Governor until 1731 when Burrington was appointed to succeed him.

Burrington on his return to office was given a hearty welcome by the citizens of North Carolina because of his former administration, but a controversy between him and the people soon developed over the collection of quit rents. This controversy grew into heated discussions and acrimonious debates, but Burrington would not yield, insisting that his position was maintained in his instructions from the Crown, while the people maintained they would follow the laws as established and as had been the custom. The question had not been settled when Gabriel Johnston was appointed to succeed Burrington. On taking office, Johnston inherited the quit rent controversy, as will be seen by the following:

*A Protest of the Grand Jury against the proclamations of Governor Gabriel Johnston concerning the collection of quit-rents.*

March 29, 1735.

*To His Excellency GABRIEL JOHNSTON Esq.; Governor and Commander in Chief of North Carolina*

*The Humble ADDRESS of the Grand Jury for the said Province.*

We His Majesty's most faithful and Loyal Subjects, and your Excellency's most obedient Servants, do congratulate your Excellency on your safe Arrival into this Province. We do from your Excellency's consummate Wisdom and Goodness promise our selves Protection in all our just Rights and Privileges.

It was with pleasure we heard the Chief Justice of this Province in his Charge to us, declare the great Happiness His Majesty's Subjects enjoy'd, in being governed by Laws of their own making. This led us to consider the purport of divers Proclamations and Advertisements put up respecting the Quit Rents due to his Majesty our most Gracious Sovereign; By those we are directed to pay the one half of the Arrears due in the Month of June

next; and the other half in the Month of December; and if Payments are made in the Paper-Currency it must be at Seven for One Sterling, and carried to the several Court-houses of the Province.

We humbly Leave to address your Excellency on this Occasion, and to represent unto you, that we can't learn by any Law, that the King's Tenants in this Province are obliged to carry their Rents to such Places as the Governour and Council shall appoint, it having always been the Custom, Time out of Mind, to pay their Rents on the Land; nor can we learn, that they are obliged to pay the same in particular Currency, or at such Rates as the Governor and Council shall direct, other than the Rates as are ascertained by the Law of this Province, entitled, Stated Commodities rated: And in a particular Manner we Leave to represent unto your Excellency, that by the Law passed in 1729, for Emitting Bills of Credit, the same were rated at the Value of 25s per Ounce Silver Money, or 20s the d. weight in Gold, which Law was confirmed by the late Sessions of Assembly held but a few Weeks past.

We therefore humbly beg Leave to represent unto your Excellency, that in our humble Opinion, those Proclamations and Advertisements grounded thereon, are contrary to the Laws and Usages of this Province, and particularly contrary to the Grant-Deed dated May 1668, recited in each Patent for Land, which Deed declares that the Inhabitants of Albemarle County shall hold their Lands on the same Terms and Conditions as the People of Virginia hold theirs.

In Virginia, from whence divers of us came, his Majesty received Tobacco for his Rents at one Penny per Pound; but here we understand that it is refused at one Penny per Pound, altho' his Majesty by his Royal Instructions to the late Governour Burrington, was graciously pleased to direct that the Quit-Rents should be settled in Proclamation.

We humble beg your Excellency to consider the Hardship this Province must labour under, if those Proclamations and Advertisements are to be comply'd with. Your Excellency has travelled through a great Part of this Country, and Have been an Eye-witness of the wretched Poverty of very many of the Inhabitants: If Silver is demanded, we who come from the several Parts of the Country, are sensible there is not enough in the Province to pay a Quarter of a Year's Rent: If the Goods at the Prices rated by Law, in which the Inhabitants have always been allowed to pay their Rents, are refused, and Paper-Money taken at a larger Discount than by the Law now in Force it is rated at, how grievous must it be to those who have in Conformity to that Law, taken up Money and mortgaged their Estates to secure the Payment of such Sums as they have taken at the Loan-Office and how calamitous must the Consequence be to a whole Province, that shall see their ancient Usages, the Grant-Deed, and the Laws of the Province still in force, trampled upon and deemed as useless, and made void by Proclamations!

We humbly intreat your Excellency to take the Premises into your serious Consideration, and we humbly desire, that you will be pleased to recall those Proclamations, or direct the Payments to be made as heretofore hath always been accustomed; and particularly that if the same are to be paid in Paper-money it may be at the same Rate as by Law Established, and not at so

unreasonable a Time as in the Month of June, being the Height of the Crop-Time and Wheat-Harvest, but rather the one Half of the Arrears to be paid this next Winter, and the Remainder the Winter following, as we proposed by the Council at their last Sessions of Assembly.

If your Excellency shall be pleas'd to comply with this our humble Request in favour to the poor Inhabitants of this Province, We make no Doubt but that the next Assembly will propose such a Law concerning his Majesty's Rents, as may be agreeable to his Majesty's gracious Pleasure and Intentions.

We are Your Excellency's most obedient, and most humble Servants.

James Castellow, Fore man, Thomas Lowther, John Powers, John Boude, Henry Bonner, William Willson, John Dawson, Robt. Campaigne, John Spiers, Jacob Pope, Barnes Fleming, Thos. Kearney, Thos. Bryant, Thos. Whitmell, Ben MacKinne, Henry Baker.<sup>1</sup>

#### THE GOVERNOUR'S ANSWER

Edenton, March 29, 1735.

GENTLEMEN: I Little expected to have heard any more upon so unreasonable a Subject: I shall take Care that the Country shall have no reason to complain of any Thing that relates to me personally; But as I have express Orders from his Majesty, in case an Act of Assembly was not passed, to collect the Arrears with out Loss of Time, you may depend upon it I shall not venture to disobey his Majesty's Commands upon any Account whatsoever: but you may easily observe, that I have used great Lenity in this Affair, by fixing the Exchange of Bills at a lower Rate than has ever yet taken place in this Country, and by allowing two Times of Payment.

I have told you already that your Grant Deed as you are pleased to call it, was but a temporary Letter of Attorney which subsisted only two Years, and what you call Laws, were shameful Collusions betwixt the late Lords Proprietors Servants and their Tenants to cheat their Masters.

In short Gentlemen, let the Consequences be what they will I shall not withdraw the Proclamation, and as you make so great a Matter of paying the Crown Two Shillings per Hundred Acres, if you think it is so hard a Bargain, you may leave the King's Lands (for they are his Lands and not yours) as soon as you please, there are to my certain Knowledge Thousands of industrious Protestants who will gladly come into your Places, and thankfully pay the Crown double your Rents without all this Clamour and Noise.

GAB. JOHNSTON.<sup>2</sup>

*Governor Johnston's Speech delivered to the Council and House of Commons on the collection of quit rents, and prorouging the Assembly.*

Aug. 9, 1735.

GENTLEMEN: I find by your Management while the Quit-Rent Bill was depending in your House, by this Address, and your whole behaviour, that you have entertain'd very odd and unaccountable Notions of his Majesty's Rights and your own Privileges. As I have made it my business to study

<sup>1</sup> South Carolina Gazette, March 29, 1735.

<sup>2</sup> South Carolina Gazette, Aug. 9, 1735.



the Constitution of this Country, ever since I had the Honour to serve the King in this Station, by perusing all the Records belonging to the Province, both here and in London, I think it my duty, now this Assembly is to separate to rectify some of your mistakes, and what I have now to say, ought to have the more weight with you, as it is spoken in a fair open manner, as it is to stand upon record, and to be perus'd by our Superiors at home, so that if I advance any thing but what is strictly true, I can't fail of being detected.

I shall begin with giving you a true and just Account of what you are pleased to call the Grand-Deed. It is certainly true, that the late Lords Proprietors did in the year 1668, by an authentick Deed under their hands and Seal, grant their Lands to the then Inhabitants of Albemarle County for Quit-Rents to be paid in the same manner as in Virginia. If you have a mind to call this Instrument the Grand-Deed, with all my heart; I have no objection to it, I won't quarrel with you about names, I shall only observe to you, that this Deed neither in it's own nature, nor by any Clause in it, can ever be reckon'd Irrevocable: And I do assure you, that it Was actually revok'd in the Year 1670, by another Deed, equally authentick and containing full as strong Clauses, as that granted two Years before; and the Originals of both these Instruments are now in the (late Lords Proprietors) Books at the Board of Trade. By this latter Deed, all such as for the future took up Lands in Albemarle County were to pay as reserv'd Rent in the Coin of England to their Lordships one half penny per Acre, which amounts to 4s. 2d. Sterling per One Hundred Acres.

Now, Gentlemen, if you are for determining this Affair by Deeds passed under the Lords Proprietors, let us go to work fairly, I am very willing that all the Inhabitants of this County, which hold their Lands under any Grants, made before the Year 1670, shall pay their Rents in the same Manner as they did in Virginia in the Year 1668, whatever way that may be; But then it is but equal and just, that all who hold Lands in this County under Grants since the Year 1670 should pay four Shillings and 2 pence per 100 Acres, and I am of Opinion his Majesty will be no great loser by this; But if you fancy that where there are several Instruments or Deeds, you are at Liberty to pick out one of them, which makes most for Your own advantage, and by Christening it by the name of the Grand Deed or Charter, you can destroy the force of all the other Deeds which makes for the advantage of your Landlord, you will find yourselves miserably out in your reckoning. The King's Ministers at home won't be used so like Children. So that upon the whole without having recourse to any Deeds whatsoever, it will be the safest rule for the Inhabitants of Albemarle County to pay 2s. Sterling per 100 Acres for all Land held Before his Majesty's purchase; Now, Gentlemen, as to your Laws, it is the great happiness of all his Majesty's Subjects in every part of his Dominions, and I hope it will always be so, that they are govern'd by Law, and not by the arbitrary Will and pleasure of any person whatsoever, and as in all free Country's Law is the Rule and Standard both for those who govern, and those who are govern'd, great Care is taken that there should be some known settled and establish'd Methods and forms of enacting, passing and promulgating all Laws. These methods are different in different

Countrys, in this Country the method is well known, and very distinctly laid down, when a Bill had passed both Houses it was sent home, and if in two Years it was ratified by the Lords Proprietors, and this Ratification notified publickly at the next Biennial Assembly, then and never till then, it passed into a Law, if in two Years it was not ratified, it became null and void of Course. This is so notoriously the Case that it is repeated above ten several Times in your Journals in the most strong and expressive manner that words can make it. Now Gentlemen, if you can shew me any Law which regulates & directs the payment of Quit rents, and has gone thro' all these necessary forms, I will submit to it with all my heart, and nobody shall more scrupulously adhere to it, but until you do this, you must give me leave to think that there is no other Law in this Province with regard to the method of paying the Kings Quit-Rents, of any force, except what is common to all his Majesty's Tenants in every part of his Dominions, that is the Crown Law which is executed by his Court of Exchequer, a Law which tho' it does speedy Justice against those who refuse to pay the King His Dues, can never hurt any Tenant that pays his Rent punctually. As for those Acts of Assembly which direct the payment in Commodities and rate them at a certain price, as they were never ratified, as they never had your Landlords (who were one of the contracting parties) Consent, if I should pay any regard to them (as I believe I never shall) I am sure they would be rejected at home with indignation, far less shall I pay any regard to such straggling instructions of their Lordships Receivers, in former times, which may be pickt up to serve a Turn now for these only shew how much the Lords Proprietors were straitend to come at their own, that they were forced to try every method to see if they could get any returns from their Lands, and when they found that by the treacherous combination of their Officers with their Tenants, they could make no profit of their Estates, they were forced to sell the Soil of the Province to the Crown.

Now Gentlemen, if you think that such shallow Evasions as these, such acts of Assembly as were never ratified and consequently can by no propriety of speech be called Laws, or one accidental Instruction to a Receiver, are a solid Foundation for you to contend with the Crown of Great Britain I am sorry for it. If you will venture the Ease, the Peace and Security of yourselves, your Families and Estates, upon so slender a bottom, it is no fault of mine, let them answer for it that lead you into such an Error, it can't at all injure his Majesty's rights, but it may be of fatal Consequence to you & your Families in the End. If anybody reckons that this is very hard to the poor, that it is a hard and severe manner of proceeding, (and so I have been told it has in private Conversation been represented) there is a very easy remedy for all this, let them pay the King the Arrears of his Quit-Rents and move with their Families off his Lands, and then let them go into any part of the World and take up Lands at a cheeper Rate, and wherever they settle, no doubt all good People will heartily pity the Oppression they have met with from so severe a Landlord, and that they could not hold so poor a quantity of Land as 100 Acres without being forced to pay so immense a Sum as 2 or 3s. yearly Rent for it. These things Gentlemen won't bear being talk'd of, it is a Farce, that has too long acted under the late Lords Proprietors, and if you have not yet been told that it will not be

tolerated now the King is Law of the Soil, it is high time for me to assure you of it; and that if the Arrears of his Majesty's Rents are not pay'd at the times and in the Manner mentioned, in the Proclamation, Distresses shall be made for them: But if any dislike the Terms, or can find Land at a lower rate any where else, he has nothing to do but to relinquish his Majesty's Lands in this Province, for such other persons as will comply with his Terms, and I am under no manner of apprehension but his Majesty will find Tenants for all the Lands he has to dispose of.

This, Gentlemen, is using you in no other manner than you yourselves or any other Landlord may use his Tenants without doing them any Injustice or even hardship and if either you yourselves have imbib'd, or some designing persons have instilled any notions into you, which make you believe that the King has not as much power & as just a right to dispose of his own Property and to grant his own Lands, as you have in your private Estates, which you hold under him, it is high time to undeceive you.

For my own part as I am bound by my Oath, my Honour, and all the Ties that are sacred among Men, I will see Justice done to the King in his Revenues, let the Consequences be what they will; And as you have taken the liberty to mention my Instructions, I am not sensible that I have in the least departed from them, except in taking Bills of Currency at a proper discount for Quit-Rents instead of Gold and Silver, without his Majesty's leave; A step I took out of Tenderness to you, and which I am like to have small thanks for here, and I am afraid I shall have still less at home. But the most extraordinary insinuation in your Address is, that by the Charter of King Charles the 2d, the Deputies of the Lords Proprietors with the Assent of the Assembly could make laws binding on the Lords Proprietors as well as the People, I have perus'd the Charter you refer too often, and the only Clause relating to the Manner of making Laws is what follows, "And also to ordain, make and enact, and under their (that is the Lords Proprietors) Seals to publish any Laws and Constitutions whatsoever according to their best discretion by and with the Advice, Assent & Approbation of the Freemen of the said Province, or the greatest part of them, or of their Deputies or Delegates, whom for enacting of the said Laws when and as often as need shall require, we will that you (that is the Lords Proprietors) shall from time to time assemble." It is plain from this, that by the Charter, the first Essential Requisite to the making of a law, was that it should be published under the Lords Proprietors Seals. If you think to evade this, by saying that by their Deputies they did publish it under their Seals, I must once more remind you, that they always did reserve this power to themselves of Ratifying such Bills as pas'd in both Houses here, before they pas'd into Laws, and that this Ratification should be publicly declared at the next Biennial Assembly. So that in the Matter of passing Laws, it was not an absolute but a limited power, which their Deputies were invested with, and the Limitation expressed in the most strong, direct and explicit Terms that possibly could be.

After all, Gentlemen, it is a shame there should be any Necessity for saying so much on so plain a Point; For plain it is notwithstanding all the Pains taken to perplex it, by a few Men who have no hopes of screening themselves,



or having their Crimes pass undetected, but by keeping the Country in the same embroiled and unsettled Condition which first gave them an opportunity of committing their Frauds, by Men who have more squeez'd & oppressed their fellow Subjects and got more Money for themselves & Relations by the Sale of Lands since the Year 1728; than the Lords Proprietors got during the whole Sixty Years they were in possession, and yet they have the Insolence to foment and raise an unjust Clamour against the King for demanding what he has honestly and fairly purchased and paid for, and what he designs should be held by his Subjects at moderate and easie Quit-Rents, and not at such exorbitant and unconscionable prices, as they contrary to all Law and Justice, extorted from the poor industrious People.

Gentlemen of the Council, I return you my hearty thanks for the great regard you have shown in all your proceedings to his Majesty's Service and the publick Good.

As for you, Gentlemen of the House of Burgesses, if you have left anything undone for the service and benefit of the People you represent, for the Trade, Quiet and Prosperity of the County, you cannot justly blame me for it, you cannot pretend that in any of your Consultations, or proceedings, you mett with the least Interruption from me; I hate all measures which must appear harsh and Severe, and could therefore have wished you had made the Collection of the Kings Rents easie to you and your fellow Subjects; But as you have not, I have declared my intention and will do my Duty.

I do Prorogue this Assembly into the 1st Day of July next, and this Assembly is accordingly Prorouged.<sup>3</sup>

*Ship wrecked on North Carolina Bar Fifty Carts of Pidgeon's Neck Flies killed and putrified by the sun.*

Boston, May 2.

We are informed from North-Carolina, that a Scooner belonging to St. Christophers, whereof was Master Capt. James Codner of this Town, was sunk upon the Bar, by the Violence of Seas beating over them their Boat was washed away, so that they were deprived of the Hopes of saving their Lives in her; the Scooner was cast upon the shore, broke to Pieces, the Cargo entirely lost, and all the People on board lost their Lives; they all belonged to this Town; the Master has left a sorrowful Widow and one Child.

We are also informed from the same place, by a Gentleman lately come from thence, that it is very sickly there, and that whilst he was there, he saw a prodigious Quantity of Flies, which they call Pidgeon's Neck Flies; that when they arose, he took them to be Birds, they being so large; It happening to blow hard the Wind carried them into the River, where they all died, but as they floated upon the Water they were drove ashore, and that the Heat of the Sun had putrified them to that Degree that no person could pass near that Place, the Air being infected with their Corruption. The Quantity was so great that 50 Carts could not have contained them.<sup>4</sup>

<sup>3</sup> South Carolina Gazette, Aug. 9, 1735.

<sup>4</sup> South Carolina Gazette, June 11, 1737.



*Exempting families from taxation for first Ten Years of Residence; changing Newton to Wilmington with Privilege of a Representative to the Assembly.*

Wilmington, Cape Fear, March 15.

MR. TIMOTHY, Please to insert the following in your next *Gazette* and in so doing you'll oblige many of your Subscribers, as well as Yours, etc.

At a General Assembly, held at Newbern in February last, it was resolved by both Houses that the Families lately arrived from North-Britain at Cape-Fear, should be exempted from all Taxes for 10 Years; And that all Protestants coming from Europe into this Province for the future, and settling in a Body of Forty in Number or upwards, shall in like Manner be exempted for Ten Years next after their Arrival.

This Place formerly known by the name of Newton, was by Act of Assembly, established a Town by the Name of Wilmington, with Privilege of sending a Member to the Assembly, and having the County Courts fixed here; and this being declared the most central and convenient Place of the Port of Brunswick; The Collector and Naval Officer were at the same Time ordered to hold their Offices here.

The Assembly after having passed some useful Laws, was prorogued to November next to sit at Edenton, and we hear his Excellency intends for the future to hold the General Assembly there, and at this Town by turns.<sup>5</sup>

*Great crops made in North Carolina*

CHARLESTOWN. August 15.—By a Letter from Wilmington in North Carolina, dated the 1st Day of this Instant, we are informed, That having had the finest Seasons, all is in a flourishing Condition; and the greatest Crops likely to be made in that Province that ever was known.

Another Letter from the same Place informs us, That Henry McCulloch Esq. will make some Thousands of Barrels of Beef and Pork this Season, at Seranta, the like never known before.

Seranta is Mr. McCulloch's Place of Residence, and is in a Pleasant Situation, on the N. E. Branch of Cape Fear River.<sup>6</sup>

*North Carolina Produces Indigo.*

CHARLESTOWN, August 23.—And from North Carolina, they write, that Indigo grows very well in that Province, and that they have made some very good.<sup>7</sup>

*Prohibiting the Exportation of Indian Corn.*

CHARLESTOWN, June 25.—The Commander in Chief of North Carolina has prohibited the Exportation of Indian Corn, and all other Grain, from that Province, 'till the 12th of November next; Power to do so being given him by an Act, intitled, an Act to prohibit the Exportation of Grain in Time of Scarcity, whereby it is enacted, "That whenever the Price of Corn exceeds

<sup>5</sup> South Carolina Gazette, April 11, 1740.

<sup>6</sup> South Carolina Gazette, August 15, 1743.

<sup>7</sup> South Carolina Gazette, August 23, 1746.

3 sh. Proclamation Money per Bushel in any Port of that Province, the Governor or Commander in Chief, with the Consent of at least 3 of his Council [council], may, by Proclamation, Prohibit the Exportation of all Grain.<sup>8</sup>

*Map of North Carolina by Edward Moseley.*

To Be Sold. New and correct Maps of North Carolina by Edward Moseley,\* dedicated to His Excellency the present Governor of the said Province, to be sold by the Printer hereof.<sup>9</sup>

*Much Sickness in North Carolina.*

Boston, May 5. On Friday last Capt. Cowdry arriv'd here in 12 days from Bath county of North Carolina, and informs us that it is exceeding sickly there, especially in the North Country, where, 'twas judg'd above half the Inhabitants were dead; that whole Families were carry'd off thereby; the Distemper begins with a violent pain in the Eye, and the Sick continue but about 20 or 30 Hours before they die; He further says, that on the 8th of March last, there was a considerable Shock of an Earthquake in No. Carolina.<sup>10</sup>

For about eight years, 1740-1748, the coast of North Carolina was infested with French and Spanish Privateers, and the merchantmen suffered great losses in property captured and destroyed. These privateers not only captured the vessels near the coast, but also sailed up the streams, seized and plundered several towns. Beaufort was captured and held several days for plunder in 1747. Brunswick was captured, plundered and destroyed in 1748 while the inhabitants fled in confusion, but they later recovered from their surprise and organized a body of men to attack the Privateers.

The following are a few newspaper reports of the operations of the Spanish Privateers during that period.

*Spanish Privateers on coast of North Carolina*  
(From the Virginia Gazette)

WILLIAMSBURG, May 22.—By a Letter from a Gentleman at Edenton, in North-Carolina, dated the 13th Instant, we have the following Advice, That their Sea-Coast is much infested with two Spanish Privateers, who have taken several Vessels, particularly Two from that Port, loaded with Provisions, before they had been half an Hour at Sea; One of them belong'd to Mr. James George of Posquotank, who had the Mortification to see his Vessel and Cargo taken before his face, as he stood on Shore. The Privateers have taken Four more Vessels within these Ten Days. They have chas'd Three

<sup>8</sup> South Carolina Gazette, June 28, 1742.

\*Moseley was the leader of the opposition against George Burrington in the quit rent controversy, speaker of the House of Assembly, and public Treasurer.

<sup>10</sup> South Carolina Gazette, June 28, 1735.

Vessels from the Northward lately, which have narrowly escaped; The Spaniards are dull Sailors, and therefore they fitted out a Launch with 20 Men to take a Boston Sloop; the New-England-man. at his Wits-End, bethought of a Stratagem whereby he saved himself; for just as the Spaniards were about to board him, he suddenly beat out his Port-Holes, as if he had Guns, and would fire on them; which so scared them, that they marched off with all Speed, and gave the Sloop an Opportunity to get in over the Bar.<sup>11</sup>

*Sloop taken by Privateer near Ocracoke*

CHARLESTOWN, August 6.—The following is part of a Letter from Captain Thomas Hadley, to a Gentleman in this Town, dated

Cape-Fear, July 7, 1741.

This comes to acquaint you of the Misfortune of having my Sloop taken last Sunday Morning, about 9 of the Clock, about Ten Leagues up the Sound within the Bar of Ocracock, by a Spanish Privateer's Long-Boat, in a Calm, being then on my Passage for the West-Indies: Upon which I immediately applied myself to the commanding Officer there, who sent an Express to this Place, which I chose to carry myself.

The Gentlemen here upon my Arrival have fitted out the Letter of Marque Ship, Capt. Walker, with One Hundred Hands; and a small Schooner, with Fifty Hands; And I hope to have the Pleasure of seeing the Spaniards brought in by them.

The Prizes that the Spanish Privateer has taken, is Two Ships, Three Sloops, and One Schooner; One of the Ships was Captain Dupey, bound from Boston for Charles-Town. The Spaniards have built themselves Tents on Ocracock Island; Two of the Sloops lie in Teache's Hole, and the Two Ships lie at an Anchor off the Bar. The Privateer is a high Stern black Sloop, with about One Hundred Men on board, and a very heavy Sailor. By the Accounts of several People who have escaped from them, they have burnt several Houses, and destroyed great Numbers of Cattle.

The Amount of our Cargo taken, being Provisions, the Sloop included, is upwards of Seven Hundred Pounds Sterling.<sup>12</sup>

*Spanish Privateers burn tents Built on Ocracoke Island.*

(Extract of a private Letter from a Gentlemen at Cape-Fear)

Wilmington, July 21, 1741.

"We do not hear that our Privateer is yet fail'd but rather a-Ground last Night, but expected to get off the Tide following."

. . . About Three Weeks ago Capt. Peacock, (who arrived here last Week) saw a fine clean Ship with a Sloop on one Side and a Schooner on the Other, Lying at Anchor off the Bar of Ocracock Inlet, to which he gave Chase in order (supposing them to be Friends) to get some Provisions of them, which he was in great Want of; but by that Time he got within a Mile of them, they all weigh'd Anchor and bore away before the Wind, one of which he could plainly discern to be a large black Sloop Spanish Privateer as described in Capt. Hady's Letter, and the Ship and Schooner he suppos'd to

<sup>11</sup> South Carolina Gazette, July 30, 1741.

<sup>12</sup> South Carolina Gazette, August 6, 1741.

be her Prizes. Before the Spaniards weigh'd Anchor they were seen by Capt. Peacock, burning the Tents they had built on Ocacock Island.

A Schooner belonging to Capt. Thomas Henning, and a Sloop belonging to Capt. Jonathan Skrine, both of Winyaw, are supposed to be fallen into the Hands of the Spaniards, having both sail'd from North Carolina about Fifteen Weeks since.

Many other Vessels bound for this Place, are supposed to have been taken by the Spanish Privateers which infest our Coast; Particularly Capts. Skut and Wellon from Boston, and 2 Sloops from New-York.

On Saturday last sail'd on a Cruise his Majesty's Ship the Tartar Pink, the Honourable Capt. George Townsend, who at the same time took several outward bound Vessels under Convoy.

The same Day sail'd on a cruise, Capt. John Rouss, who, (we hear) is to go as far as St. Augustine, in order to see if he can meet with the Spanish Privateer or Prizes lately seen by Capt. Peacock, off Cape-Fear.

We hear, that about a Fortnight ago, in the Latitude of St. Augustine, Capt. Mason was chased by large black Spanish Privateer Sloop, and that about Six Days ago he was chased off Cape-Fear by another small Privateer of the same nation, but his Vessel being a Prime Sailor he escaped them both; On Tuesday he met with the Tartar Pink Man of War, Capt. George Townsend, and informed him of these Privateers, from whom we may now hope to have a good Account of the Dons.<sup>13</sup>

#### *Spanish Privateers Capture Ships*

CHARLES-TOWN Oct. 3.—The Ship Francis and William, Capt. Nathaniel Howland, (Bound from hence for Antigua) was taken on the 2d of May last, off our Bar, by a Spanish Man of War Snow, and carried into the Havannah. Capt. Roul from North-Carolina for Hull was also taken by the same Vessel, the 12th of May, off Cape Fear. As was also on the 25th a Brig. commanded by Capt. Phenix from New York for Jamaica; . . .

We hear that two Irish Men on board the aforesaid Man of War, (having been at Cape Fear) persuaded the Spaniards to land in the Night, and surprize the House of Roger Moore Esq. where they assured them they might get a considerable Booty; But the Man of War's Station off Cape Fear being expired, prevented the Execution of this Proposal.

The Indian Queen, Capt. Dolman, from North Carolina for Bristol, the Gale Frigat, Capt. Blackburn, from Jamaica for London, and Capt. Walker in a Snow from Lancaster, are all taken and carried into the Havannah by the Spanish Privateers.<sup>14</sup>

#### *Captain Sherburn taken off Bog-Inlet.*

CHARLES-TOWN, November 14.—By a Letter from a Gentlemen at Wilmington in N. Carolina, dated 27th of October last, we have Advice that Capt. Sherburn in a small Schooner from Boston for this Place, (who Sail'd the beginning of October) was taken on the 17th of the same Month, off Bog-Inlet near White Oak, by a Spanish Privateer Schooner with 80 Men. Capt. Sherburn and three of his Men have escaped on Shore.<sup>15</sup>

<sup>13</sup> South Carolina Gazette, August 6, 1741.

<sup>14</sup> South Carolina Gazette, October 3, 1741.

<sup>15</sup> South Carolina Gazette, November 7, 1741.



*No News of the Spanish Schooner.*

CHARLES-TOWN, Nov. 21.—A Letter from a Gentlemen in North Carolina, dated the 6th Instant mentions, that they have heard no news of the Spanish Schooner on the that Coast since the Taking of Capt. Sherburn of Bog Inlet; and That Capt. Donham is safely arrived from this Place.<sup>16</sup>

*Two Vessels taken off Ocracoke.*

CHARLESTOWN, Jan. 8.—We hear from North Carolina that a Spanish Privateer has again lately been on that Coast, and taken Two Vessels off Okerecock and has also done as much Mischief on that Coast as ever Don Pedro did.<sup>17</sup>

*Spanish Privateer Escapes.*

On Friday last came in the Northern Post, with a Confirmation of Capt. Bladwell's engaging a Spanish Brigantine Privateer off Okerecock, on the 26th of May last in the Night, after having chas'd her the whole Day; That the Swift exchang'd three or four Broad-sides with the Privateer, and would certainly have taken her, had they not shot away her Main and Fore-stays, so that they cou'd not work the Vessel, which, with the Darkness of the Night favour'd the Privateer's Escape, and Capt. Bladwell was obliged to put into Wilmington to repair. From whence, we hear, he again sail'd on a Cruise, on Friday the 18th Instant, in order to keep our Coasts clear.<sup>18</sup>

*Spanish Ships Stranded*

Philadelphia, Sept. 13.—Since our last Capt. Rivers arrived from North Carolina, who informs us, that one of the Spanish Ships (mentioned in our last paper) had been ashore about 6 Leagues to the southward of Cape Hatteras, but was got off again, tho' in a very shattered condition, and had on board between 2 and 300 chests of silver; That another was cast away about 12 leagues more to the south, and had on board a million of dollars, which were saved And that a third was supposed to be lost, several dead bodies having been drove ashore.<sup>19</sup>

*General Greene Avoids Encounter with Lord Cornwallis; Great Numbers Join Royal Army.*

CHARLESTOWN, March 14.—The retrograde movements of the Rebel in North Carolina have been so rapid, as to be equalled by nothing but the eagerness of the Royal Army in the pursuit. Green, who agreeably to the language of the adherents of rebellion, was to have again reared the standard of Congress here, to have reinstated the virtuous few in their possessions, and to have expelled every friend of British Government from this province; this mighty hero has in no one instance ever dared to make an attempt to check the career of Earl CORNWALLIS, but, with a haste that indicates nothing but trepidation, dismay and a want of confidence in his followers, has pushed into Virginia, and shrunk into its forests.

<sup>16</sup> South Carolina Gazette, November 21, 1741.

<sup>17</sup> South Carolina Gazette, January 9, 1742.

<sup>18</sup> South Carolina Gazette, June 28, 1742.

<sup>19</sup> South Carolina Gazette, October 29, 1750.

The last accounts from North Carolina inform us, that Lord CORNWALLIS having driven Green across the Roanoke, was employed in reëstablishing tranquillity and legal government in that province. He has been joined by numbers of the inhabitants, who manifest the utmost satisfaction in the happy change in their situation.

So total a defection from the Rebel Government has taken place in North Carolina, that great numbers are continually repairing from that Province to the Royal Army; which we are assured was lately joined by SEVEN HUNDRED MEN in one body, under Colonel Field.<sup>20</sup>

*The Rebel Army Routed at Guilford.*

CHARLESTOWN, March 28.—On Sunday evening dispatches were received from Lord CORNWALLIS, dated Guilford, 17th of March 1781, which gives the fullest authority for informing the public, that Gen. Green having been considerably reinforced, and his army amounting to near six thousand men, he was induced to advance with four six pounders, after Lord CORNWALLIS to Guilford, when his Lordship having drawn him thus far, on the 15th Ins. attacked the Rebel Army, and after a sharp engagement, totally routed it, and took all their cannon, pursuing the flying remains beyond Reedy-Fork.

On this occasion, Lieut. Col. Stuart and Capt. Goodrich of the Guards, Lieut. O'Hara of the Royal Artillery, Lieut. Robinson of the 23d, Ensign Talbot of the 33d, and Ensign Grant of the 71st were killed, and Capt. Schutz of the Guards mortally wounded, but no other officer dangerously.

Thus far we sanctioned by the dispatches, which being wrote on the field, contain not so many particulars as we may look for in those shortly expected; but the reports which accompany these, mention Gen. Green's being wounded, and the enemy having lost 2000 men in the defeat; and also that Brigadier-General O'Hara, Col. Webster, and Lieut. Col. Tarleton, were slightly wounded.

In consequence of so signal a success, numbers of the Continentals as well as Militia are daily joining the King's Forces and claiming their protection.

The intelligence of this important victory was announced to the Public by the ringing of bells on Sunday Evening. On Monday afternoon the troops in garrison off duty, with the Volunteer Companies were paraded; and at half past five marched to the lines. About the same time there began a long continued discharge of Artillery from the Batteries, from his Majesty's ships, armed transports and merchant vessels in the harbor. And immediately after sunset a Feu de Joye was fired by the troops and volunteer companies at the lines, accompanied by the loud acclamations of a joyful populace. The evening was closed with a general illumination.<sup>21</sup>

<sup>20</sup> The Royal Gazette, March 14, 1781.

<sup>21</sup> The Royal Gazette, March 28, 1781.

## SAMUEL A'COURT ASHE

HISTORIAN OF NORTH CAROLINA

BY R. D. W. CONNOR

By the completion of the second volume of his *History of North Carolina*,\* Captain Ashe puts the capstone to a life of singular devotion to the service of his native State, which is fortunate to find its chief historian in one whose life-blood is wrought into the very warp and woof of its civilization. For more than two and a half centuries, Ashe has been an historic name in North Carolina. Men of that name, ancestors of Samuel A. Ashe, were eminent among the founders and builders of the Commonwealth. In the seventeenth century they cleared the forests, built homes, drove back the forces of barbarism, and planted civilization in what had been a wilderness. In the eighteenth century they led the way in the struggle for the privilege of self-government, in the winning of independence, and in laying the foundations of free institutions. In the nineteenth century they formulated laws in the halls of legislation, State and National, administered justice from the bench of our highest courts, displayed courage and skill on the field of battle, and made a free and untrammelled press a power in North Carolina.

Samuel A. Ashe was a part of all this. As soldier, jurist, legislator, and editor, he himself contributed largely and permanently to the greatness of the State whose chief historian he has now become. Truly as he took up this task at three score years and ten to lay it down at the ripe age of eighty-five, he might have repeated with Ulysses (had he not been more modest than the renowned Greek),

I cannot rest from travel: I will drink  
Life to the lees: all times I have enjoy'd  
Greatly, have suffer'd greatly, both with those  
That loved me, and alone; on shore, and when  
Thro' scudding drifts the rainy Hyades  
Vext the dim sea: I am become a name;

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\* *History of North Carolina*. By Samuel A'Court Ashe, LL.D. Vol. I. Charles L. Van Noppen. Greensboro, 1908. Pp. 724. Vol. II. Edwards & Broughton Printing Company. Raleigh, 1925. Pp. 1353. Volume II contains also a separate index to volume I.

For always roaming with a hungry heart  
Much have I seen and known; cities of men  
And manners, climates, councils, governments,  
Myself not least, but honor'd of them all;  
And drunk delight of battle with my peers,  
Far on the ringing plains of windy Troy.  
I am a part of all that I have met; . . .

It may be safely predicted that while future historians will give Captain Ashe's political services to the State high rank, they will place his services as historian still higher. Space here forbids consideration of any but his major works. In 1904, he assumed the editorship of the *Biographical History of North Carolina from Colonial Times to the Present*. Seven handsome volumes of this work were issued under his exclusive direction, and an eighth of which he was joint editor with the late Stephen B. Weeks. The very title of the work indicates its scope. It was an ambitious undertaking, and the manner in which it was carried out reflected credit on both its editor and its publisher, Charles L. Van Noppen. In the preparation of the biographies Captain Ashe sought the coöperation of the best writers available and produced a work of high literary and historical value.

While engaged in this task, Captain Ashe began his *History of North Carolina*. The first volume, which brought the story down to the close of the American Revolution, appeared in 1908. Of it, Professor John Spencer Bassett, writing in the *American Historical Review*, after pointing out its weak points, said: "It is a clear piece of narrative, carefully constructed from original sources, rather strong in its accounts of personal incidents, and weaker in discussions of social institutions. . . . Generally speaking, this is our best history of North Carolina in the period covered, and it is better than many other state histories. . . . The excellent manner in which the book is printed and bound is creditable to the North Carolina publisher who has given it to the public."

Now comes Captain Ashe, after the lapse of seventeen years, with the second and final volume. It is uniform in type, binding, and plan with the volume which preceded it although issued by a different publisher. It covers the period from 1783 to 1925. The perspective in which the author views the different epochs of our history is indicated by his distribution of his 1,353 pages; to the



period 1783-1860, he gives 546 pages, to 1860-1865, 466 pages, to 1865-1900, 211 pages, and to 1900-1925, 130 pages. Others probably would make a different distribution, placing, for instance, less emphasis on the period 1860-1865 and more on 1900-1925; but they would not quarrel with Captain Ashe on that account. It will be noticed that much the greater portion of his narrative deals with the periods in which he was either a witness of, or participant in the chief historical events, and it may therefore, to a certain extent, be considered somewhat as a personal memoir. This fact adds much to its freshness and interest.

The task to which Captain Ashe primarily set himself was to record rather than to interpret the chief events of our history. I do not mean to say that he makes no note of significant changes in manners, customs, institutions and ideas, or fails to point out their significance; quite the contrary. I simply mean that his efforts to interpret events and movements, though frequent and illuminating, are very brief as he is not primarily concerned with such problems. He probably thought, quite correctly, that we are yet too close to the events discussed to understand fully their significance. Interpretation will be the task of some future historian, and when he comes to it he will find Captain Ashe's work indispensable. He will find it a remarkable compendium of historical data, arranged for the most part chronologically and recorded with extreme care, simplicity and impartiality. Its comprehensiveness is indicated by the fact that the index to volume II alone covers 92 pages. It should be mentioned also that besides its own index volume II contains a separate index to volume I which has been badly needed.

The frontispiece to volume II is a handsome engraving of Zebulon B. Vance, the dominant figure of our nineteenth century history. Besides this the volume contains one hundred and eleven portraits, a veritable picture gallery of eminent North Carolinians, men and women, soldiers, statesmen, teachers, writers, social workers, capitalists, and men of achievement.

Captain Ashe approached his work as an historian in the true spirit. He is a seeker after truth. On his title page he quotes this fine sentence of Samuel Purchas, written in 1625, "The necessitie of a Historie is, as of a Sworne Witness, to say the truth (in just discretion) and nothing but the truth." The duty of the historian was never better stated: it is the maxim which Captain Ashe follows.

His work is characterized by thoroughness of investigation, accuracy of statement, liberality of views and soundness of judgment. He shows a remarkable capacity for historical detachment and writes of men of his own name and blood, and of events in which he himself was a leading participant, with the impartiality of a judge. On historical questions he has no pride of opinion, but retains ever an open mind which he does not hesitate to change upon the presentation of new evidence or of new points of view. His frankness is well matched by his courage.

Witness his right-about-face between 1905 and 1908 on the "Mecklenburg Declaration of Independence." Writing in 1905 the introductory chapter of the *Biographical History of North Carolina*, he said: "The general sentiment in North Carolina [in 1775] was strong for resistance to the arbitrary measures of the British Government. Especially was this spirit manifested in Mecklenburg, where the Committee of Safety on the 20th of May, 1775, adopted resolutions declaring independence." In 1907 appeared Hoyt's *The Mecklenburg Declaration of Independence*, the effect of which was seen in the first volume of Captain Ashe's *History of North Carolina*, which appeared in 1908. Convinced by the new evidence and the new points of view presented by Hoyt, he deliberately reversed his former opinion and although he knew that his action would practically kill the popular appeal of his book, he did not hesitate to declare that "the evidence now available does not sustain the 20th of May declaration, but points only to the resolutions of May 31." "His course," wrote Professor Bassett, "is worthy of all commendation, for it takes some courage to criticise the Mecklenburg myth in North Carolina."

Into the making of this book Captain Ashe has poured the experiences of a long and varied life, and on the result he may safely rest his fame.

## BOOK REVIEWS

LIFE AND LETTERS OF WALTER HINES PAGE, Volume III. By Burton J. Hendrick. (New York: Doubleday, Page & Company. 1925. Pages 440. \$10.00.)

This volume contains the letters of Walter Page to Woodrow Wilson which were not available for publication when the first two volumes of Mr. Hendrick's *Life and Letters of Walter Hines Page* were published in 1922. They have now become available through the death of Mr. Wilson. A few of the letters were written between 1896 and 1913, and concern literary and political matters, but much the larger number were written between 1913 and 1918 and concern Page's work as American Ambassador at the Court of St. James.

These letters are written with the same literary charm and edited with the same discriminating judgment as those which appear in the earlier volumes; nevertheless it must be confessed that they have been robbed of much of the freshness and keenness of the interest which they would have had if they could have been published in the original volumes of the "Life." On the other hand, though much of their contents is now a twice-told tale, yet as the intimate letters of the Ambassador to the President their historical value is very great and it is well that they should have been published.

They add many interesting details to the story of events already well known, and bring out much new information. Among other things they tell of the extraordinary privilege granted by Kitchener to Colonel Squier, military attaché to the American Embassy in London, to visit the western front in November 1914 to gather military data that would be valuable to the United States in the event of our entering the war; of the use made of our State Department by the Germans for transmitting improper cipher messages; of the efforts of President Wilson to detach Austria-Hungary from the Germanic Alliance between the dismissal of Bernstoff and the declaration of war by Congress; of the complete financial collapse of the Allies when the United States entered the war; and the detailed story of the Zimmerman telegram.

The chief interest of these letters, however, lies in the story which they reveal of the relations between the Ambassador and the President. Through them we may trace Page's complete acceptance of Wilson's leadership in 1913-14, his complete loss of faith in it in 1915-16, and the gradual but ultimately complete restoration of confidence after April 1917. The Ambassador's attitude toward his chief was conditioned upon the extent to which the latter accepted and followed his advice. From the first Page was determined to drive the President into war against Germany, and practically every letter he wrote after October 1914, except those on purely formal matters, was inspired by this purpose. As one follows this correspondence the conviction becomes steadily stronger and stronger that the Ambassador over-played his hand causing the President, consciously or unconsciously, to fortify his mind against his Ambassador's masterly *ex parte* statements of the case. For, like his great predecessor in another great war, Woodrow Wilson had a mind and a will of his own and he could no more be driven prematurely into a policy of war by his pro-British Ambassador in 1915-16 than Lincoln could be prematurely driven into a policy of emancipation by his political generals in 1861-62. Time and events have justified both!

If, on the one hand, it was fortunate for Page's fame that Germany's conduct finally justified his pro-British leanings, on the other it was fortunate for his country that she was represented at that time in Great Britain by a British sympathizer. It required a profound understanding and sympathy on both sides so to manage the numerous delicate crises which arose between the two governments to prevent a break, and this sympathetic understanding was supplied by the great American Ambassador and the great British Foreign Secretary with whom he dealt. These two men of kindred spirit and common purposes in all probability saved civilization from the unspeakable calamity of a war between the two great English-speaking peoples of the world, and how they did it is told, sometimes consciously, sometimes, unconsciously, in these letters of Walter Hines Page to Woodrow Wilson.

R. D. W. CONNOR.



THE PAPERS OF JOHN STEELE. Edited by H. M. Wagstaff. (Publications of the North Carolina Historical Commission). 2 vols. 929 pages. 1924. Raleigh.

In these volumes Professor Wagstaff has brought together the extant papers of a leading North Carolina Federalist who was active in both State and National politics during the formative years of the Federal Union. Steele's career and the nature of his services are an index to the character and content of the documents here published. For twenty-seven years, from 1787 to 1814, he was in active political life as a member of the North Carolina Legislature, as a delegate to the constitutional conventions of 1788 and 1789, as commissioner for North Carolina, acting in conjunction with similar commissioners for Georgia, South Carolina, and the Federal Government in negotiating treaties with the Cherokee and Chickasaw Indians, 1788-1789, as a member of the first and second congresses, as the unsuccessful Federalist candidate for the United States Senate in 1792 and 1795, and as commissioner representing North Carolina in the settlement of boundary disputes with South Carolina and Georgia, 1805-1814. From 1796 to 1802 he served as comptroller of the United States Treasury by successive appointment of Washington, Adams, and Jefferson, retiring in 1802 because he was not in agreement with the policies of Jefferson's administration. In 1807 he became head of the Salisbury branch of the Bank of Cape Fear, in which capacity he served until 1811. He died in 1815.

The two volumes contain 526 letters and other documents. Letters written by Steele himself number 109; among his correspondents whose letters are here published, were John Adams, Oliver Wolcott, Albert Gallatin, Thomas Jefferson, James Madison, and William Thornton. Among his North Carolina correspondents were Governors Hawkins, Stokes, Franklin, Miller, Turner, Williams, Davie, Alexander, Stone, and Smith, as well as such men as William Blount, James Iredell, William Barry Grove, Nathaniel Macon, William Polk, John Haywood, Alfred Moore, and William H. Haywood. Topics discussed cover a wide range—law, politics, National and State finance, agriculture, stock-raising, horse-racing, Indian affairs, interstate boundary lines, and banking. Volume II contains numerous interesting and important documents—Indian treaties, constitu-

tion of the Salisbury Jockey Club, official opinions on the whiskey tax, sinking fund, and other financial measures, legal notes on *Marbury v. Madison*, the Federal Court system, and the North Carolina electoral law of 1811.

The editorial work is well done. Explanatory notes are excellent. There is a good index. Print, paper, binding are all good.

R. D. W. CONNOR.

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RELEASED FOR PUBLICATION. By Oscar King Davis. (Boston and New York. Houghton Mifflin Co. 1925. Pages 468. Price \$5.00.)

Whatever of good the late Theodore Roosevelt may have done, none of it, apparently, was interred with his bones. Already his deeds and virtues are extolled in volumes enough to fill a five-foot shelf, and each succeeding year the shelf would have to be at least a foot longer. Assuredly it will not be his biographers' fault if the Colonel's memory is not kept green. Some of their efforts deserve especial mention. There was Thayer's book, for instance. Thayer had lived in the same dormitory with young Teddy at Harvard and in later life, it seems, had met Colonel Roosevelt at least twice. His book was, therefore, called "An Intimate Biography." Then there was the life by Mr. McIntyre prefaced by General Wood. This volume makes no particular claims to "intimacy," but what it lacks in this respect it more than makes up in Optimism and Inspiration. Roosevelt's career, it seems, abounds in Great Lessons for the Young. Moreover, if I understand the author correctly, Roosevelt was the original He-Man, the original Man With a Message, the original 100 Per Cent American, and the original Right-Thinker. The same impression is conveyed in a greater or less degree in the biographies by Mr. Thwing, Mr. Abbott, and Dean William Draper Lewis. Others have presented the Colonel in the role of scientist, scholar, statesman, soldier, orator, athlete, ranchman, man of God and man of letters. So far, I believe, no synoptist has actually claimed for the Colonel a virgin birth or a bodily resurrection, but few other signs of authentic messiahship seem lacking. What? Did he not cast out devils? Did he not open the eyes of blind reactionaries? Did he not cause political

lame ducks to walk? Was he not martyred in Milwaukee and again by the Wilson administration in 1917? Assuredly so, if some of his biographers are to be believed. Some day, perhaps, when the last pot-boiler has brewed the Roosevelt legend for the last time and extracted the last calory of Uplift and Inspiration, we shall have a realistic study of Roosevelt the man. What a task for a Bradford or a Strachey!

The present volume, sub-titled "Some Inside Political History of Theodore Roosevelt and His Times, 1898-1918," while certainly not free from hero-worship, is perhaps as free as any book ever written about Colonel Roosevelt by a friend. Mr. Davis was Washington correspondent for the *New York Times* during the latter part of the Roosevelt administration, was chief publicity man during the Roosevelt campaign for the Republican nomination in 1912, and was secretary of the Progressive National Committee from the rise to the fall of that militant and meteoric party. He seems to have won President Roosevelt's unbounded confidence while correspondent for the *Times*, an anti-administration paper which then as now endeavored to print the truth in its news, and to have held that confidence unimpaired until the Colonel's death. He received many tips of valuable information from the White House, conducted one or two secret little investigations for the President, visited occasionally at Sagamore Hill, corresponded with the Colonel, and accompanied him on many a rabble-rousing tour throughout the hinterland. He saw the Colonel in all his moods and tenses, through evil as well as good political report. It is safe to say that few men have known Theodore Roosevelt better upon his political side. What has Mr. Davis given us?

Not much that is new, perhaps, but certainly a book that is highly readable. It is the best book of historical memoirs, I am tempted to say, on the Roosevelt epoch yet in print. Mr. Davis writes mainly about events which he witnessed with his own eyes, and being a highly capable reporter, he gets into his book an extraordinary sense of vividness. As we peruse his pages, the memory is quickened and we visualize again many a long-forgotten newspaper headline. In fact, we seem to be transported back to the days when the Ananias Club was flourishing, when certain men were being branded as

Malefactors of Great Wealth and Undesirable Citizens, when there was talk of Race-Suicide and the Duty of Every Man to Have Plenty of Healthy Children, when a libel suit was started in connection with something about Panama, when a Big Stick was supposed to be handy somewhere about the White House, and a highly vocable President with very prominent teeth and eye-glasses was grooming a good natured, somewhat indolent, and over-weight Secretary of War for the Chief Magistracy, and in general having a "perfectly bully time."

Then come the days when the good natured, somewhat indolent, and over-weight Secretary of War is transformed into the blundering, inept, but still good natured, somewhat indolent and over-weight President, and there is an extra session of Congress and talk of Tariff Revision and Special Interests and Schedule K and Wall Street and the machinations of Cannon and Aldrich, and there is a speech at Winona, and the Democrats sweep the country. The good natured President is now repudiated by half his party and loud calls for Teddy begin to be heard in the offing. Comes a letter from seven governors, and the Colonel's hat flung into the ring. Then there is a mad scramble for delegates, and the Great Split at Chicago, and presently we hear the strains of "Onward, Christian Soldiers!" and talk of Stolen Nominations, and Slugging 'Em Over the Ropes, and Social Justice, and the Right of the People to Rule, and Standing at Armageddon and Battling for the Lord.

Then a few months of quiet at Oyster Bay and the doughty Colonel is off to South America and plunges into the wilderness and comes near dying of fever, while Mr. Davis stays at home and watches the Progressive Party die of internal disruption. The nineteen Progressives elected to the House could not agree, it seems, on any common policy with respect to the tariff; could agree on nothing, in fact, except the goodness and greatness of Theodore Roosevelt. But much as they adored the Colonel, it did not occur to them, apparently, to seek his advice with respect to the formation of any Congressional program, and when Mr. Davis and Ex-Senator Beveridge ventured to offer some suggestions at a caucus, they were roundly denounced as "bosses," endeavouring to dictate to the Free and Untrammelled



Representatives of the People. When the time came to vote on the Underwood tariff, the Progressives split, not two, but three ways! Some voted yea, some voted nay, some voted "present." Roosevelt, I believe, was still in America at this time. Why he did not descend from Oyster Bay and knock the heads of his admirers together is not made clear. By the time he returned from South America, Wilson had stolen most of his effective thunder, and the Progressive Party as such was plainly headed for extinction, having become merely the Society for the Adoration of St. Theodore.

Mr. Davis describes the dying agonies of the party in some detail, and carries the record of Colonel Roosevelt's political activities on down to the Colonel's death. He makes it plain that Roosevelt had no hope of carrying the election after the split in 1912, notwithstanding the fact that he was publicly claiming everything in sight, and that he never had the slightest intention of accepting another nomination on the Progressive ticket. In fact, if Mr. Davis may be believed, Roosevelt never had the slightest personal desire for a third term at all. It was the Spirit of Service, loyalty to Righteousness, that prompted his break with Taft: had he merely desired another term in the White House he would have kept silent in 1912 and have let Taft be beaten by the Democrats, to await his own apotheosis four years later. But while he cared nothing for a third cup of coffee as such, he would have been delighted, Mr. Davis admits, to have had the nomination of a reunited party in 1916; not for personal reasons, of course—oh, no—but to put an end to Weasel Words and Words Without Deeds and stop Wilson from Chloroforming the Conscience of the Country and help us get into the good old war.

But valuable as Mr. Davis's book is as a political chronicle, it is still more valuable for the light it throws on Roosevelt personally. Particularly the account of the shooting at Milwaukee is highly illuminating. Mr. Davis was a member of the Colonel's party on the trip, and his account of Roosevelt's obstinate determination to speak immediately afterward is surely without a parallel in all political annals. The Colonel's voice was almost gone—he had scarcely been able to speak above a whisper for two or three days—but so

delighted was he at being shot, apparently, that his voice almost immediately returned clear and strong. It was only with the greatest difficulty that he could be induced to delay long enough for his wound to be bandaged. At first he refused to allow the doctor to see the wound at all. It was time for his speech, the audience was waiting, he must speak even if it killed him. . . . But even the Good Citizen Doing His Duty At Any Cost may pause, it seems, for a little play to the galleries. He corrects the speaker who introduces him—he has not only been shot at but hit. "But it takes more than that," he hastens to add, "to kill a bull moose!" He speaks for about fifteen minutes, pauses, unbuttons his vest, and invites the audience to have a look at his bloody shirt. After about thirty-five minutes he begins to weaken a little, and Mr. Davis steps up from backstage, touches his arm and politely begs him to stop. "No," he yells with the fury of a savage, I will not stop until I have finished this speech. You can't stop me. Nobody can stop me!" But really if Roosevelt had been perfectly frank that evening he might have yelled "De-lighted!" The wound was not painful, it was apparently not serious, and here was the supreme chance to play the Red Blooded He-Man. Mr. Davis, it is true, treats the episode very solemnly, but even in spite of himself he gives the impression that the Colonel's conduct was not so much heroic as histrionic. There is no doubt that Roosevelt, though he would have been the first and the most vehement to deny it, secretly enjoyed that bullet in his chest—since it didn't seem likely to prove fatal. It was such a splendid chance to play the hero. No, he wouldn't have missed that opportunity for a million dollars.

Another little incident related by Mr. Davis is too illuminating to be omitted. It was during the campaign of 1916, when Roosevelt was barnstorming the country, ostensibly in behalf of Hughes. Addressing a huge audience of miners in Centralia, Illinois, the Colonel made an especially strong plea to the miners to do their duty in the way of providing the country with Plenty of Healthy Children. After the address was over, Mr. Davis remonstrated with Roosevelt, pointing out that it was hardly fair that he, one who had never been under the necessity of earning his daily bread, should undertake

to lecture poor, hard-working day-laborers, eternally up against the meat and bread problem, on the duty of providing more little hungry mouths to fill. "By George, O. K.," replied Roosevelt, "thats so," and then frankly confessed that he had never thought of the family question from that angle. Mr. Davis tells us that the Colonel's mental engine ran at a higher speed than that of any man he has ever known. But, as the above instance would seem to show, one of the cylinders must occasionally have missed fire.

But let Mr. Davis have the last word. "His chief characteristics were vision, courage, decision, instant readiness for action, the simplest honesty and the most wholesome sanity. His foresight was uncanny. His sympathy was so quick, his emotions so intensely human, that he penetrated the feelings of others as if by magic. His sense of humor was a keen and never-failing delight. And he was as clean-minded as a girl."

That settles it. No admirer of Colonel Roosevelt should be without this book, even if he has to cut down his meals to two a day.

CHARLES L. SNIDER.

DENTON, N. C.

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WIVES. By Gamaliel Bradford. (Harpers: 1925. Pages 298. Price \$3.50.)

Nobody nowadays, at least nobody who reads this erudite gazette, needs to be told that Gamaliel Bradford writes excellent biography. Indeed, it is not too much to say that, all things considered, he stands head and shoulders above all other American biographers, living or dead. The first question, therefore, that arises in connection with this new book of his is likely to be, is it worthy of the author's previous work?

I think it is. The seven wives (Mrs. Lincoln, Mrs. Benedict Arnold, Mrs. Jefferson Davis, Mrs. Benjamin F. Butler, Mrs. James G. Blaine, Dolly Madison, and Theodosia Burr) whose "soul portraits" Mr. Bradford has given us are not indeed such distinguished personages as he has painted for us in a number of other volumes; indeed, it is certain that none of them (save the daughter of Aaron Burr) would have been heard of in history had they married ob-

scurely. Yet each of them did play a distinguished secondary role, and Mr. Bradford has contrived to make them all live again upon the printed page.

Perhaps the most interesting, though certainly not the most charming, portrait is that of Mrs. Lincoln. What manner of woman was she? There is a very common tradition that Lincoln's domestic life was not greatly distinguished for its felicity. It is said that a small boy, seeing the uncouth Abraham so finely dressed upon his wedding day, asked where he was going, and that Lincoln's reply, "To hell, I suppose," was not altogether unprophetic. Herndon, who certainly knew him as well as any man in Springfield, even insists that Lincoln's domestic unhappiness was partly responsible for his rise to fame. His theory, bluntly stated, is that Mary Todd made the home so unpleasant for her unparlorable and indolent husband that Lincoln stuck close to the office and devoted himself to business in order to forget his misery. What truth is there in the allegation?

Well, Mr. Bradford has studied the matter from every angle and from all available sources of information, and his impression is that while married life in the Lincoln household was not exactly one grand, sweet song, it was, nevertheless, not quite so unpleasant as Herndon has painted. Mrs. Lincoln, he seems to think, did have a pretty sharp tongue, and during the Springfield days may have kept it in pretty fair polish, but while she may have nagged her husband about some of his eccentricities some of the time, yet she really did not nag him about all of his eccentricities all of the time.

But neither Mary Todd, nor any other well-constituted woman, thinks Mr. Bradford, could have endured Honest Abraham without more or less nagging. His mental powers indeed were great, but his manners were often grotesque. Socially speaking, he was at the time of his marriage pretty much of a backwoodsman with all the bark on. His library, I suspect, did not include an Outline of Etiquette, nor a copy of Chesterfield. He thought that so long as his heart was right it made little difference whether his boots were blacked. He was highly unpunctual about his meals. He had a disconcerting habit of talking too frankly when company came.



He was liable at any moment to break out with one of those homely cross-roads stories, which while not "obscene," were not always just what you would tell to "nice" people. He used to go to the door in his shirt sleeves during the early days at Springfield and assure august visitors that his wife would be downstairs as soon as she could get her "trotting harness" on. . . . Such social solecisms would have tormented a much sweeter tempered spouse than the showy, superficial, socially ambitious Mary. So if the poor lady failed to maintain a philosophic calm, it must be admitted that she had her provocations.

And yet with all her lack of tact and patience, Mary Todd was no fool. She knew that the awkward young lawyer of Springfield had extraordinary talents in the rough. She knew that uncouth manners were a terrific handicap. She married Lincoln with condescension and hope, meaning to reform him socially. And she did finally succeed to a certain extent, though it seems a pity that she could not have been a good deal more tactful about it.

Dolly Madison was the perfect wife for a public man—except for her extravagance. She was tactful, beautiful, and intelligent. Incidentally, she was quite modern in some respects—she used rouge and powder rather freely. She would smoke cigarettes, too. I'm afraid, if she were alive today. As it was, she took snuff with the utmost nonchalance. Other times, of course, other manners. Mrs. Benedict Arnold was an "authentic" beauty and a loyal wife to her scapegrace husband, but otherwise undistinguished. Mrs. Benjamin F. Butler was a sort of "misunderstood" wife, but very intelligent and with her own peculiar charm. Mrs. Blaine was a devoted and almost perfect wife, though at times lacking in political tact. Mrs. Davis, though not always tactful as a President's wife, wins our admiration by her utter loyalty to her husband in defeat. Theodosia Burr, beautiful, charming, cultured, severely trained in the classics, a sort of wonder child, seems to have borne herself with dignity as a wife and mother, yet she seems utterly devoid of both moral and practical judgment. She believed in all her father's fantastic schemes, condoned all his lapses from public and private virtue, and never ceased to idolize him as the most wonderful and perfect man in all the world.

Altogether Mr. Bradford's book of portraits is an interesting one, and while it lacks, perhaps, the supreme touch of genius, it nevertheless belongs to literature as well as to biography.

CHARLES L. SNIDER.

DENTON, N. C.

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AN OLD-FASHIONED SENATOR. A STORY-BIOGRAPHY OF JOHN SHARP WILLIAMS.  
By Harris Dickson. (New York: Frederick A. Stokes Company. 1925. pp.  
XIV, 205. \$1.50.)

Biography is more or less conventionalized, and nowhere is this more strikingly the case than when the subject is an American public man. There may be frills here and there, touches of psycho-graphy, perhaps, or straightaway psychoanalysis, but the heart of the thing is always the same—it is the story of a career, and to that all else is subordinate. The thought occurs to the reviewer that in the case of many men, perhaps, this is in all respects necessary and proper, since so often have they anticipated their biographies. Be that as it may, it is true of the biographies. And so we turn the leaves of many a life, trying to discover what sort of man was behind the career described in such minute detail. We read extracts from speeches, or, perhaps, the speeches themselves, but nowhere can we find any record of the character-revealing things the man said when he was just talking. The average public man is dressed always in the long coat of the statesman. The hats may vary, the ties and the shoes, but the coat, never. And who could ever tell what sort of man was on the inside of a frock-coat?

Judge Harris Dickson, known to a host of friends through literature of another sort, has broken away from the model. He impresses his readers as a man likely to do so. But how could he do otherwise with his subject? Who can imagine John Sharp Williams in a frock-coat, not to mention a statesman's hat? And no biography at all true to its subject could be dressed like that.

So when one reads this slender little volume, it need not be with any expectation of finding any detailed study of the career of John Sharp Williams. There are allusions to it, of course; it is assumed that the reader is aware that he had one. But the career is entirely incidental to the purpose of the book which seeks to make better known the man who made the career, to picture him as he was "with

his wild scalplocks and lovelocks flowing; with his blown disheveled, extemporaneous, neglected, surprised appearance; with his strange second-hand clothes of the mound-building period, his picturesque gaiters, his mysterious and melancholy eyes, and his general air of incognito," or as he is today in happy and voluntary retirement wearing "the legal amount of clothes, one pair of baggy linen pantaloons, one white shirt, and easy shoes." "Historians will search elsewhere for certain facts. Here they will find only the lover of his family, the lover of his country, the lover of books and flowers, and the lover of his fellow-man." And in large measure success has rewarded the author even out of proportion to his seeking; for not only do we find a most illuminating set of sidelights upon the man that old friends know and love as "John" and a whole section of the country has affectionately liked as "John Sharp," but with the clearer view of the man which the book gives we find ourselves knowing far more about his career than would have been possible otherwise. With any career worth writing about this would be the case.

This so-called story-biography, then, is a real historical contribution dealing with a unique figure in recent American public life, a man who formed his own opinions and knew his own mind, and who never hesitated to speak it, even when what he had to say was unpopular, and who steadily grew in public favor not only in his own district and state, both of which he "carried in his pocket," but in the country at large. More unusual, too, perhaps, is the fact that he is a highly educated and scholarly man with nothing in him of the pedant, who was never removed by his learning from the mass of men, and who, although considerable of a statesman, preferred the title of politician. Still more unique is his voluntary retirement from public life after thirty years in Congress. Of him it can be truthfully said, "After more than a generation in public life, no enemy has ever accused him of double-dealing, and no friend has ever doubted where he stood."

The little book is made up of illuminating stories of the childhood and youth of the senator-to-be, his education at Sewanee, Virginia, and Heidelberg, his entrance on the practice of law, his seventeen years of it as an apprenticeship to politics, and, finally, his candidacy for Congress, his defeat, his ultimate election, and, once in Con-

gress, his rise to national prominence and the general trend of his life in Washington.

Comparatively little, however, is told of his life there. There is casual mention of his service on one committee, and almost equally casual mention of his work as minority leader. Some of his speeches are quoted, more to show the kind of person he was than to indicate his opinions on public questions. It is to be regretted in this connection that more of the homely wit and satire which was so characteristic of him in action does not appear here.

It is a thoroughly delightful volume about one of the most delightful persons of the recent past. Unconventional, more or less unsystematic in arrangement as the author is, the reader is not only apt to be satisfied, but also to hope that other biographers may snatch a few leaves from his book.

J. G. DE ROULHAC HAMILTON.

UNIVERSITY OF NORTH CAROLINA.

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STATISTICAL REVIEW OF RELIEF OPERATIONS. By George Gay. The Commission for Relief in Belgium, Stanford University Press.

The declaration of the Great War was followed by a tremendous German drive into Belgium and northern France. Liege was taken, the German armies swept across the Meuse, and central Belgium, including Brussels, was captured. These operations were followed by a great drive through west Belgium into northern France. The military result of the German forward movement was the occupation by Germany of practically all Belgium and a considerable portion of northern France.

The military occupation of these two regions had disastrous social consequences. The normal life of both regions was stopped. Thousands of habitations were burned, growing crops were destroyed, thousands of people were uprooted from their homes; Belgium and northern France were cut off from the outside world, the normal flow of commerce and industry was interfered with, the Belgian and French governments ceased to function in the occupied areas, great numbers of people were thrown out of work, and the necessities of life were becoming beyond the reach of a large proportion of the seven million inhabitants of Belgium and the two million



persons living in the occupied regions of northern France. Neither the allied powers nor the German authorities seemed inclined to rescue the unfortunate victims of the German drive. The allied blockade made it imperative for the Germans to husband their own resources. The Allies had no wish to furnish supplies that would fall into the hands of the Germans and lengthen their military resistance.

Local efforts for the relief of this situation were quickly found to be inadequate. Through the good offices of the neutral ministers still in Brussels a commission headed by Millard Shaler an American engineer, received permission from the German authorities to purchase food in London for the inhabitants of the occupied regions. Upon encountering opposition from the authorities in control of the allied blockade the American head of the commission appealed to Herbert Hoover, an American engineer, who happened at that time to be a resident of London, and who had just served as chairman of the relief commission which repatriated successfully thousands of Americans left stranded in England during the first chaotic week of the war. The result of this appeal was the organization by Mr. Hoover of the Commission for the Relief of Belgium.

The new commission had an elaborate and efficient organization. Outside of the occupied regions it was charged with the task of the mobilization of the charity of the world and the purchase and transportation of relief supplies. A central office was established in London and branch offices in New York and Rotterdam. The charity of the world was mobilized through commissions scattered all over the world. The purchase and transportation of supplies was effected through the agency of representatives in the principal markets and ports of the world. Since it was the nearest neutral port, Rotterdam served throughout the war as the port of transportation. From there the supplies were sent by rail and water into the occupied areas. Within Belgium and northern France the commission was responsible for the provisioning of the entire population, the conduct of financial relief and exchange operations, and the care of the destitute.

The moral responsibility of the commission to give a full accounting of its operations was felt from the first. One of the leading international firms audited every ramification of expenditure and

receipt. Full financial accountings have already been given by the commission. It now publishes a statistical review of relief operations which is mainly concerned with commodity statistics.

The work is divided into two parts. Part I gives a brief description of the relief organization, its problems, and its methods. Part II gives detailed statistics of the work of the commission. The commission had at its disposal the services of approximately 131,555 individuals. Outside of Belgium and northern France the local relief committees numbered about 76,500 members. Forty thousand persons were engaged in the work of distribution in Belgium, and 15,000 in northern France. In Belgium 2,598 communes, and in France 2,133 were affected by the work of the commission. The grand total of funds received by the commission was \$894,797,155.40. Of this sum about 47 per cent was from American sources, 14 per cent from British, and 23 per cent from French. About 80 per cent of the total resources of the commission came from American, British and French government subsidies. Only a fraction of 1 per cent, or less than \$4,000,000, of the funds collected were devoted to overhead and administrative expenses. Through the expenditure of these funds and gifts in kind the commission was enabled to distribute 5,174,431 metric tons of supplies in Belgium, and northern France. The statistics of these immense operations are given in every conceivable form and in the greatest detail.

C. P. HIGBY.

UNIVERSITY OF NORTH CAROLINA.

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SOUTHERN PIONEERS. Edited by Howard W. Odum. (Chapel Hill, N. C.: University of North Carolina Press. 221 pp. \$2.00.)

Verily, the present is the Golden Age of Biography. Lytton Strachey and Gamaliel Bradford are primarily responsible for the extraordinary outbreak of biographical writing in the immediate past and present. However, the movement was under way when they began, and they simply gave it an overwhelming impetus. There is literally a host now at their heels. Nobody escapes the biographer these days. (If he does, he writes an autobiography). From John L. Sullivan to Queen Victoria, the whole gamut of human experience has been run. Singly and in battalions they come:

Lincoln, Wilson, Page; Barnum, Buffalo Bill, Brigham Young; Garfield, Gorgas, Gary; "Portraits," "Wives," "Damaged Souls," "Uncommon Americans"—and now "Southern Pioneers"! Biography is particularly interesting to Southerners because leadership with them has been so pronounced and leaders so popular. Such a volume as this, therefore, instantly challenges their attention, but as the *New York Times* says, "The Northerner, as well as the Southerner, can get considerable food for thought out of this book."

The book is edited by H. W. Odum, who, as Kenan Professor of Sociology and Director of the School of Public Welfare in the University of North Carolina, and as Editor of the *Journal of Social Forces*, has made a place of leadership for himself in social progress outside, as well as within, the South. In the introduction to the sketches he sets out the main reason for the book's appearance. It is to assist in what he regards a great task of the present—the development of a new leadership. He presents his point of view with engaging frankness. His first and most important contention is that there is a "changing basis upon which leadership is now developed and made effective." Diplomatically, yet unreservedly, he then engages in a bit of frank analysis of Southern conditions, indicating the shortcomings that have delayed the fulfillment of the new idea of leadership. He points to the changing order, the partial failure to make adjustments to the changes, the lack of experience and training for new leadership, the lack of Universities and the University spirit, sensitiveness, and a failure to recognize its own leaders, as some of the causes of retarded development in Southern leadership.

There are nine sketches: Woodrow Wilson, by Gerald W. Johnson; Walter Hines Page, by R. D. W. Connor; Charles Brantley Aycock, by Edwin A. Alderman; Seaman A. Knapp, by Jackson Davis; Augustus Baldwin Longstreet, by John Donald Wade; Joel Chandler Harris, by Julia Collier Harris; Booker T. Washington, by Monroe N. Work; Madeline McDowell Breckenridge, by S. P. Breckenridge; Edward Kidder Graham, by R. D. W. Connor. The characters are well chosen to illustrate the editor's thesis—with one exception. Augustus Baldwin Longstreet is out of place. He is no more at home in this group than Alex Stephens or John C. Calhoun would be.

The sketches are of quite varying literary quality, reaching the highest level in the singularly attractive sketch of Governor Aycock, by Dr. Alderman, and closely seconded by the discriminating and delightful sketch of Wilson by Gerald Johnson. While all the sketches are written with rather fulsome praise, there is none the less keen analysis of the character of Woodrow Wilson by Gerald Johnson, and of Walter Page and Edward Graham by R. D. W. Connor. Connor, in his sketch of Walter Hines Page, sets straight one of the misapprehensions about Page's leaving North Carolina. While recognizing Page's unequalled abilities and high patriotism, he also gently but firmly points out that the fact that Page was not an effective worker in North Carolina, was not wholly the fault of his native state.

The major significance of the book lies in its point of view—the presentation of the new type of leader in the South. The old political and military leader, so dear and so well known to a former generation, finds no place in this company. It is true that President Wilson and Governor Aycock are included, but Wilson is treated not so much as a political leader as the spokesman for a new domestic social and spiritual order, while Governor Aycock's work was definitely predicated upon an essentially social program.

Another significance of the volume is its tolerance and breadth of view. The fact that a woman Breckenridge of Kentucky, a negro educator from Alabama, and a man of lowly origin from Georgia, should appear side by side in a volume issued from and published by a Southern University, and edited by a Southern man, speaks with unanswerable logic of a new South, different from and greater than that immortalized by Henry Grady. Again, the changing order and emphasis is illustrated in the sketch of Seaman A. Knapp, who was not a Southerner and only a part of his work was done in the South; and in the further fact that his work was in agricultural rehabilitation of the section.

The whole country is increasingly in the debt of the University of North Carolina Press for its publications. *Southern Pioneers* is one of a number of recent books published by the Press which



are of high value to the entire country. This volume is stimulating encouragement to all those who are working for a better order of society in our country, and particularly so to Southerners.

W. C. JACKSON.

NORTH CAROLINA COLLEGE FOR WOMEN.

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THE REVIEW acknowledges receipt of the following books for review in later issues:

*States' Rights in the Confederacy*, By Frank Lawrence Owsley. (University of Chicago, Press.)

*Tolerance*. By Hendrik Van Loon. (Boni & Leveright.)

*The Story of Durham*. By William K. Boyd. (Duke University Press.)

*John Slidell*. By Louis Martin Sears. (Duke.)

*Organized Labor and the Law*. By Alpheus Thomas Mason. (Duke.)

*Origins of the Whig Party*. By E. Malcolm Carroll. (Duke.)

*War Letters of Kiffin Yates Rockwell*. By Paul Ayres Rockwell (Ed). (Doubleday.)

Our reviewer in the October, 1925, issue of *A History of Agriculture in Europe and America*, by Professor N. S. B. Gras, through error attributed the publication to the Macmillan Company. The book was published by F. S. Crofts & Company, 66 Fifth Avenue, New York.

## POLITICAL INCONSISTENCY

Inconsistency is counted among the cardinal vices of politics and politicians squirm and twist mightily to avoid the appearance of guilt. Nevertheless in times of revolution, when events tread so quickly upon each other's heels that no man can foresee what any day may bring forth, a consistent course in politics may be neither possible nor desirable. In such times wise men wait upon events, meeting each issue as it arises, indifferent that they may not be following the strait and narrow path of perfect consistency.

Two incidents in the lives of Zebulon B. Vance and his greatest political rival, Thomas Settle, illustrate this rather trite observation. During the years immediately preceding the outbreak of the Civil War, Vance was a Whig and Settle a Democrat, but both were "Unionists" and earnestly opposed to the secession of North Carolina. In 1861 both were candidates for Congress and canvassed their respective districts as anti-secessionists, and both during the canvass, Vance actually in the middle of a pro-union speech and Settle within a few hours after such a speech, completely changed fronts and became (for a time at least) red-hot secessionists.

Vance himself tells the story of his somersault in his speech before the John A. Andrew Post, G.A.R., at Boston, December 8, 1886, which he entitled "The Political and Social South During the War."<sup>1</sup> After describing the sentiment in North Carolina in 1860-1861, he said:

"For myself, I will say that I was canvassing for the Union with all my strength; I was addressing a large and excited crowd, large numbers of whom were armed, and literally had my arm extended upward in pleading for peace and the Union of our Fathers, when the telegraphic news was announced of the firing on Sumter and the President's call for seventy-five thousand volunteers. When my hand came down from that impassioned gesticulation, it fell slowly and sadly by the side of a Secessionist. I immediately, with altered voice and manner, called upon the assembled multitude to volunteer,

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<sup>1</sup> *Dowd, Life of Zebulon B. Vance*, 441-42.

not to fight against but for South Carolina. I said: If war must come I preferred to be with my own people. If we had to shed blood I preferred to shed Northern rather than Southern blood. If we had to slay I had rather slay strangers than my own kindred and neighbors; and that it was better, whether right or wrong, that communities and states should go together and face the horrors of war in a body—sharing a common fate rather than endure the unspeakable calamities of internecine strife. . . . I went with and shared the fate of the people of my native State, having first done all I could to preserve the peace and secure the unanimity of the people to avert, as much as possible, the calamities of war. I do not regret that course. I do not believe there is an honorable man within my hearing tonight who, under the same circumstances, would not have done as I did.”

Almost at the same hour, and for the same reason, that Vance threw consistency to the dogs, Settle pursued the same course. It is interesting to contrast the manner of these two rivals who fifteen years later, after each had again changed sides, Vance becoming a Democrat, Settle a Republican, were to wage in joint debate the most famous political campaign in our history. The story of Settle's change of heart is told, somewhat more dramatically than Vance's story, by the late George Howard who recorded the incident on the fly-leaf of his copy of Sidney Andrews's *The South Since the War*, a volume of reprints of newspaper articles written from the South in 1865 by a Northern correspondent of Chicago and Boston papers. Howard, a secession Democrat, at the time was a Superior Court judge and was riding the fourth district of which Settle was solicitor. His story follows:

“On Monday, April 13, 1861, I held court in Danbury, Thomas Settle, solicitor. Messrs. J. M. Leach and Settle asked for the use of the courtroom for political speaking; both were Whigs,<sup>2</sup> seeking the Congressional nomination by appeals to the Union sentiment of the district. I granted their request. After reaching the hotel, A. M. Scales and Robert McLean came over and remarked that if they believed the rumor which they had heard, that Fort Sumter

<sup>2</sup>It was probably Settle's Union proclivities and the fact that he later became a Republican, that caused Judge Howard to think of him as a Whig. In 1861 he called himself a “Union Democrat.”

had been fired on, they would reply to Leach and Settle, and asked me what I thought of it. I told them whether true or not, I was sure something of like character would soon occur. They returned to the courthouse, and soon I was informed that they and Hon. J. A. Gilmer had concluded to speak. All spoke—Leach, Settle, and Gilmer as Union Whigs; Scales and McLean as State's Rights Democrats. Court adjourned in a few days, and I left Danbury in a buggy with Settle for his home—the road passing near, but not through Madison. As we approached Madison, chatting pleasantly, suddenly Settle sprang up and peering into the distance, exclaimed: 'What's that?' I looked and could just distinguish a flag floating from a building in Madison. Settle in a highly excited tone: 'It is a secession flag—something has happened—Madison has been a strong Union town.' Just then we saw several persons riding toward us. Settle hailed a gentleman on horseback, reading a newspaper, asking, 'What's the matter?' Promptly came the answer: 'Haven't you heard the news? Sumter attacked—Lincoln has called for 75,000 troops—everybody is for war—Governor Reid is speaking at Madison—volunteers are enlisting.' Settle, turning to me: 'I must go to Madison and get right.' I objected, telling him he needn't hurry—there would be both time and occasion. He insisted. At last we agreed to go, he to speak five minutes and then go on. As we drove up, we could hear Governor Reid<sup>3</sup> in the upper room of a building, while about the door at the ground entrance there was quite a crowd. As soon as we came near, Settle sprang up and waving his hands aloft, cried out: 'I was all wrong! I was all wrong! You are all right! You are all right!' and leaping from the buggy he mounted one of the buttresses to the doorway, and until I called 'time up' poured forth a most passionate appeal for every man to stand by the South. We then went to his home. While en route he said he would resign his office and go into the war. I pressed him not to do so until the end of the circuit; but he would listen to no delay, insisting that he must resign, and soliciting the appointment of Hon. John Kerr.

"The next Monday at Rockingham [court] soon after court met, the sound of fife and drum was heard from several directions, and

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<sup>3</sup> Settle's brother-in-law and a secession Democrat.



there marched into Wentworth<sup>4</sup> about 150 volunteers. At recess I noticed both Scales and Settle in the ranks. An amusing incident occurred. A Mexican War veteran, one Hancock, was commanding. As he faced the long line, he called out, 'Right face!' Everybody faced right, save Scales and Settle, and both of them faced about. Thereupon two companies were formed and Scales and Settle were elected captains.

"In a week or two I returned to Greensboro. As I was passing the residence of Hon. J. A. Gilmer he called to me, and coming out to the buggy, said with deep emotion: 'On my return home, I found that at the very hour when I was speaking in Danbury, my son was donning his uniform and hastening away to Fort Macon. We are all one now.'"

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The *News and Observer* of April 28, 1904, prints the following story which is interesting for many reasons and particularly so in view of the recent revival of newspaper discussion of the availability of Dr. Alderman as Democrat candidate for the Presidency of the United States. The story is entitled "A Good One on Dr. Alderman," and is as follows:

To all old students and to any one, in fact, who has visited Chapel Hill, the memory of Prof. Thomas Dunston, the University barber, will long remain. His important, yet inoffensive bearing, his love for big words and his unique way of telling a story, are things never to be forgotten. He has a personal interest in every member of the faculty and student body. Three years ago when Dr. Alderman was elected to the presidency of Tulane, and Dr. Venable was elected his successor, Tom was not as well pleased as some others. He was a warm friend and great admirer of "Marse Tony," as he loved to call Dr. Alderman. One day a student was getting a shave, and Tom was entertaining him in his blandest and most agreeable manner, when the question of the election of Dr. Venable came up. Tom straightened himself up and declared in his inimitable way that "Dr. Winston is a great man, and Dr. Venable is a great man, but I tell you, boss, they can't none of 'em orate and extenuate and prevaricate like Marse Tony."

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<sup>4</sup> County seat of Rockingham County.

## HISTORICAL NEWS

The North Carolina Historical Commission receives many requests for early numbers of the *North Carolina Manual*, *Proceedings of the State Literary and Historical Association*; *The North Carolina Booklet*; and *The North Carolina Day Program*. These publications are out of print. It is requested that any one having duplicates of any of these publications send them to R. B. House, Secretary of the North Carolina Historical Commission, Raleigh, N. C. Any supply thus accumulated will be used to fill gaps in the collections of libraries and students, and a distinct service to North Carolina history will be rendered.

*Law Tales for Laymen and Wayside Tales From Carolina* is an attractive book by Joseph Lacy Seawell just published by Alfred Williams & Company, Raleigh.

The State Literary and Historical Association convened in its twenty-fifth annual session in Raleigh, December 9-11, 1925, and meeting in conjunction with this Association were the North Carolina State Art Society and the North Carolina Folk Lore Society. The Carolina Playmakers also gave a special performance for the several associations and their guests at the State Theatre, in Raleigh, Wednesday, December 9. The plays presented were "Out of the Past": a romance of '61, by Francis Gray; "Yon Side o' Sunk Creek": a tragedy of mountain folk, by Martha Boswell; and "Quare Medicine": a country comedy, by Paul Green. Thursday evening at eight o'clock in the auditorium of Meredith College Hatcher Hughes of Columbia University addressed the Association and was followed by Frederick H. Koch, President. Friday morning at the Woman's Club Paul Green, of the University of North Carolina, and W. T. Polk, of Warrenton, read papers on the status of the fine arts in North Carolina and Mr. Emil Fuchs exhibited a collection of his etchings and gave a short lecture to the Association. Mrs. S. Westray Battle reported on the work done in completing

the North Carolina collection of the Valley Forge Memorial. Friday afternoon at three o'clock the North Carolina Folk Lore Society met in the Woman's Club. The following were the features of the program: Address by Mrs. William N. Reynolds, President; North Carolina Ballads and Folk Songs—Misses Franklin, of the Crossnore School; Folk Customs in Central North Carolina—Mr. and Mrs. Paul Green, of Chapel Hill; Experiences in Searching for Ballads and Other Folk Lore—Mrs. D. H. Sutton, Forest City. The sessions came to a close Friday evening in the auditorium of Meredith College when Homer St. Gaudens, Director of Fine Arts, Carnegie Institute, Pittsburg, delivered an address on "Art for Every One." The following were elected officers of the State Literary and Historical Association: President, Thomas M. Pittman, of Henderson; First Vice President, Benjamin Sledd, of Wake Forest; Second Vice President, Alexander B. Andrews, of Raleigh; Third Vice President, Mrs. John Huske Anderson, of Fayetteville; Secretary and Treasurer, Robert B. House, of Raleigh. The officers of both the Folk Lore Society and the Art Society were reelected.

*Joel Lane, Pioneer and Patriot*, was the title of a pamphlet written by Marshall DeLancey Haywood and published in 1900. This little work has been out of print many years, and Alfred Williams & Company, of Raleigh, have just issued a new edition, with revisions and additions by the author. It also contains an illustration of the old Lane house in Raleigh, where the General Assembly of 1780 and committees of safety met during the War for Independence. Lane, it will be remembered, owned the site of the present city of Raleigh, and sold it to the State when it was decided to make a fixed seat of government. This pamphlet contains much genealogical information about the Lane family.

*The Reviewer* for July and October, 1925, and January, 1926, contains articles by Archibald Henderson on "Early Drama in North Carolina."

On November 19, at Farmville a tablet was unveiled to the memory of Major Benjamin May, a prominent Revolutionary soldier and statesman. The tablet was erected by the North Carolina His-

torical Commission in coöperation with the descendants of Benjamin May under the auspices of the Daughters of the American Revolution.

The North Carolina organization of the Daughters of the American Revolution in coöperation with local chapters during October, November and December, 1925, erected and unveiled bronze markers, commemorating the journey of George Washington in 1791 through nine towns that he mentioned in his diary: Winston-Salem, Salisbury, Guilford Courthouse, Tarboro, Greenville, New Bern, Wilmington, Halifax, and Charlotte. Members of the State D. A. R. also unveiled monuments at other times as follows: The William Gaston Chapter unveiled on November 11 at Gastonia a tablet commemorating the site of Camp Chronicle during the World War, dedicated to the soldiers and sailors of Gaston County who served during the World War. The Richard Dobbs Spaight chapter of the Daughters of the American Revolution erected on November 20 a granite boulder and bronze marker to the memory of James Davis, first state printer, on the site of the first printing press in North Carolina, where were printed the first state book, the first state pamphlet, and the first state newspaper.

Recent accessions to the Duke University Library include the following items: the *Southern Banner* (Athens, Ga.), 1835-36, 1840-45; the *Ithaca (N. Y.) Journal*, 1860-65; the *Charleston (S. C.) Courier*, 1862-1864; the *New York Tribune*, 1841-1899; and a miscellaneous collection of newspapers issued in Charlotte, (N. C.) between 1830 and 1860. The library has also completed the files of the following historical periodicals: *Revue Historique*, *Revue Des Questiones Historique*, *Revue D'Histoire Diplomatique*, *Revue D'Histoire Moderne et Contemporaine*, and *Revue Synthese Historique*.

THE REVIEW acknowledges receipt of a Roster of Nash County Confederate Soldiers by John H. Thorpe and a copy of the Edgecombe county Roster.

The second volume of *Moravian Records of North Carolina* by Miss Adelaide L. Fries, was issued in December by the North Carolina Historical Commission and is now being distributed. The third



volume is ready for the press and will be issued some time during 1926 by the North Carolina Historical Commission.

At a recent Convention of the United Daughters of the Confederacy, Mrs. John Huske Anderson of Fayetteville, Historian of the North Carolina Department, was awarded a silver loving cup for having directed the best plan of historical activities. She has stimulated a great deal of historical activity by organizing lectures to be delivered to school children, offering prizes for essays on various topics relating to the Confederacy, founding collections of Civil War relics, making scrap books, and in addition has done a great deal of writing herself.

# THE NORTH CAROLINA HISTORICAL REVIEW

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VOLUME III

NUMBER 2



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## CONTENTS

SCIENTIFIC AND INTERPRETATIVE HISTORY.....	165
WILLIAM WHATLEY PIERSON, JR.	
THOMAS COOPER AND THE STATE RIGHTS MOVEMENT IN SOUTH CAROLINA, 1823-1830.....	184
DUMAS MALONE	
A HISTORY OF THE PIEDMONT RAILROAD COMPANY.....	198
C. K. BROWN	
SOME N. C. TRACTS OF THE EIGHTEENTH CENTURY.....	223
WILLIAM K. BOYD	
HISTORICAL NOTES.....	363
D. L. CORBITT	
BOOK REVIEWS.....	375
FITZPATRICK (ed) <i>The Diaries of George Washington</i> —By ARCHIBALD HENDERSON; CHANNING'S <i>The War for Southern Independence</i> —By R. D. W. CONNOR; EPPES'S <i>The Negro of the Old South</i> —By JAMES A. ROBERTSON; BOYD'S <i>Story of Durham</i> —By CHARLES L. COON; HOLDEN'S <i>Hatteras and Other Poems</i> —By THOMAS M. PITT- MAN; WHITE'S <i>Calvin Coolidge</i> , KROUT'S <i>The Origins of Prohi- bition</i> —By J. G. DE R. HAMILTON; BOOKS RECEIVED.	
HISTORICAL NEWS.....	393

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## CONTENTS OF LAST NUMBER

JANUARY, 1926

THE STUDY OF THE NEW SOUTH.....	Benjamin Kendrick
TRAVEL AND TRANSPORTATION IN COLONIAL NORTH CAROLINA.....	F. W. Clonts
NORTH CAROLINA IN THE SCHOOL GEOGRAPHIES 100 YEARS AGO.....	Charles L. Coon
SOME N. C. TRACTS OF THE EIGHTEENTH CENTURY.....	William K. Boyd
HISTORICAL NOTES.....	D. L. Corbitt
SAMUEL A'COURT ASHE.....	R. D. W. Connor
BOOK REVIEWS	
POLITICAL INCONSISTENCY	
HISTORICAL NEWS	

# THE NORTH CAROLINA HISTORICAL REVIEW

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VOLUME III

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## SCIENTIFIC AND INTERPRETATIVE HISTORY<sup>1</sup>

WILLIAM WHATLEY PIERSON, JR.

Within recent years, much dissatisfaction has been expressed with the state of historical writing. The utility of contemporary historiography, its purposes, its emphasis, its canons of interpretation have been subject to severe criticism; and a demand has been made that the conventional "old history" should be abandoned for the synthetic "new history." As drawn up by that brilliant and industrious publicist, Professor Harry E. Barnes, the indictment against the "old history" charges that it is "static," "unprogressive," "archaic," "puerile," "grotesque"; that it is prone to record the "episodical" rather than the "profound" and the "vital"; that in its almost exclusive emphasis on political phenomena it worships a "political fetish."<sup>2</sup> It is further charged that the so-called scientific historians are so often absorbed in the refinements of the methodology of research and involved in the mechanics of scholarly production as to lose the sense of proportion and values. "In almost all cases" such scholars in their works give only the *data* of history, accumulated in vast collections of methodically ascertained facts.<sup>3</sup> One might infer that these facts are regarded as remaining there, as it were, in cold storage. They are, one might suppose, of little more use in their present state of frozen isolation than they were when

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<sup>1</sup>This paper was read as one of a series of lectures on historiography, given by the members of the History Department at the University of North Carolina to graduate students in history. Other lectures on the theory of history were entitled: "The Nature and Purposes of History"; "Narrative and Didactic History," "Propaganda in History." In its present form, this lecture has been slightly revised and abridged.

<sup>2</sup>H. E. Barnes, *The New History and the Social Studies*, Ch. I. Reference might be made also to J. Bury, *History of the Freedom of Thought*; B. Croce, *History: Its Theory and Practice*; J. K. Hart, *The Discovery of Intelligence*; J. F. Jameson, *History of Historical Writing in America*; K. Lamprecht, *What is History?*; J. H. Robinson, *The New History*; —, —, —, *The Mind in the Making*; J. T. Shotwell, *Introduction to the History of History*; F. J. Teggart, *The Processes of History*.

<sup>3</sup>Barnes, *op. cit.*, 28.

buried in musty archives. What is needed is a group of synthesizers to withdraw for use the few facts of value which the political historians have collected and to tie them in with the seemingly more valuable contributions of allied branches of knowledge. By which achievement, it is expected that we shall be able to determine "the true nature of social evolution."<sup>4</sup>

Despite the exaggerations, the dogmatism, and seeming contradictions; despite the employment of the methods of the propagandist in the effort to sell this idea; and despite the offense given to the historian by the claim that the "new history" is really new, this agitation may lead to beneficial reflection and to improvement. So far the "new history" school have engaged in criticism rather than in the production of historical works embodying and exemplifying their ideas and proposed reforms. By reason of this paucity of production along the lines suggested, judicially-minded members of the "old history" group will doubtless withhold judgment until the new school subject their proposals to the test of practical application. As criticism, it is a service to summon historians to a renewed appreciation of the powerful influences of economic, social, environmental, and scientific factors on history. That these factors have not escaped the notice of historians, the abundant bibliographical citations of Professor Barnes might be considered evidence. And the idea of using the testimony of the allied branches of knowledge is at least as old, I understand, as Aristotle. The "new history," however, claims to have answered differently the great problems of historiography, namely, "the nature and purpose of history," the "scope of history," and the "soundest method of historical interpretation."<sup>5</sup> The criticism and the dissatisfaction—they are not limited to the "new history" group—make it timely for us to take stock of the present state of historical writing. This paper, without its writer's making pretensions to expertness in the matter and without having any thought of controversy, has for its purpose the presen-

<sup>4</sup> F. J. Teggart, in his review of Barnes's book in *American Historical Review* (Vol. XXXI, Jan. 1926, 299) states that if historians should abandon their present system of construction, "all that would remain for them would be to follow Dr. Barnes's recommendations and by constructing a complete picture of the entire past (p. 17), 'to grasp and describe the whole current of human progress' (p. 7), to discover 'the nature and course of human development with the probable future development and the real goal of the human race' (p. 21), to determine 'the true nature of social evolution' (p. 22), 'to survey the history of human activity as a unity' (p. 286), to devote themselves to 'the production of illuminating generalizations concerning human development' (p. 341)."

<sup>5</sup> Barnes, *op. cit.*, 15.

tation of a conception of scientific history and an analysis of the modes of historical interpretation.

Is history a science? An answer to this old question—although the attempt is to thresh dry straw—would facilitate the fulfillment of our task. Many writers have claimed, with arguments stated *in extenso*, that it is a science. Some, on the other hand, thinking that history had not yet reached that status, have held that it might become a science when in some future day of greater acuteness of intelligence mankind should discover why men act and believe as they do. Both groups, in their consideration of history as it has been written, have deplored the shortcomings, the unpreparedness, the failure of particular historians to produce in their works the evidence and result of an exact and positive science. Henry Thomas Buckle in this connection wrote:

In all the other great fields of inquiry, the necessity of generalization is universally admitted, and noble efforts are being made to rise from particular facts in order to discover the laws by which those facts are governed. So far, however, is this from being the usual course of historians, that among them a strange idea prevails, that their business is merely to relate events, which they may occasionally enliven by such moral and political reflections as seem likely to be useful. According to this scheme, any author who from indolence of thought, or from natural incapacity, is unfit to deal with the highest branches of knowledge, has only to pass some years in reading a certain number of books, and then he is qualified to be an historian; he is able to write the history of a great people, and his work becomes an authority on the subject which it professes to treat.<sup>6</sup>

Without admitting that it is so easy to become an authority, it is interesting to recall that Buckle further said that history had not attracted the labor of a single mind the equal of Kepler or Newton. Indeed, there is some justice in the adaptation to history of that captious criticism of the pedagogist—that he who can not make history tries to write it; he who can not write it, tries to teach it; and that he who can not teach history tries to teach how to teach and write it. But, supposing that such a genius as would satisfy Buckle should undertake historical work, could he make history an exact science? Whatever he might accomplish, I think it safe to say that this achievement, if possible at all, has not yet been attained. In the future, if at all, lies the discovery of those laws of human

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<sup>6</sup> H. T. Buckle, *History of Civilization in England*, Vol. I, 3.



nature and human action by which we can apply to history the rule, drawn from natural science, that in the course of human events, under similarity of circumstances, there will always issue forth similarity of results.

Virgil, in a well-known passage, wrote "*Varium et mutabile semper femina*." As a boy I read in one of the novels of Bulwer Lytton that one can never tell about a woman. Later in life I have heard about the same conviction expressed by men either as reflections of despair or of expectancy. Such uncertainty is not always predicted of man. The conduct of a group of men, under known circumstances and with right manipulation, is within limits predictable. But prophecy, even under favorable auspices, is hazardous, in short of speculation. We are still far from having any rules of prophecy. Granted that there are constant factors in history, mankind brings into play upon them infinite variations of influence and circumstance. One might assume that there are repetitions in history, that the analogy may be an exact similarity as to the circumstances of place and cause, but these assumptions, themselves doubtful enough, will scarcely be carried so far as to include, as relating to the people involved, similarity of interests, culture, psychological predilections and inhibitions, anthropological status, etc. Similarities are likely to be analogies, against which, very properly, we have been warned.

It seems to me clear, that history, as it is now written, is not a science, whatever it may become. To be sure, there are those who might claim, as has been claimed in certain other fields of knowledge, that history is a science because historians on occasion observe scientific rules in the production of their works. Because a body of information has been systematically accumulated and presented in harmony with precise rules of methodology is a doubtful reason for assigning to it the character of a science. Of political science Professor Garner wrote, "For our purposes a science may be described as a fairly unified mass of knowledge relating to a single subject, acquired by systematic observation, experience, or reason, the facts of which have been coördinated, systematized, and classified."<sup>7</sup> If political science can make this claim with success and impunity, the historian has a precedent of dignity for his field,

<sup>7</sup> J. W. Garner, *Introduction to Political Science*, 17.

provided, of course, he will obtain, examine, and classify his facts systematically. Such reasoning, if taken seriously, represents a confusion of ideas; it seems scarcely convincing to say that history is a science because the method of producing historical works may be systematic. But such reasoning, of course, gives us a key to the nature of scientific history—that in which the historian has faithfully observed a scientific methodology in the accumulation, organization, criticism, verification, and presentation of historical facts.

As it is my task to comment on such a type of history, I do so with the attendant thought that consideration of it may give some assistance to the person who is deliberating as to what sort of historian he shall aspire to become. People engaged in very different classes of activity have been called historians. With no effort at making a complete list, but with the idea of showing what the scientific historian is not as well as what he is, we may classify these persons as: the teacher, the amateur historian, the popular historian and historical essayist, the defensive pleader and controversialist, the textbook writer, the chronicler, the archivist, editor, compiler, and the scientific historian. Of one or two of these classes, a word might be said with profit. We demand of the teacher of history, special talents of exposition and communicable enthusiasm. One may teach with accuracy of information, with detachment of outlook, with judicial poise in the presentation of controversial matter, with moderation and restraint in interpretation, with an insistence on the development and the revelation of capacity in students for historical criticism, etc. Such attainment may be said to make possible the scientific teacher of history. But the assumed requirement that the subject-matter be made interesting; subserviency to the demands for a locally or a nationally approved brand of history; gross abuse of analogy for purposes of illustration; sensationalism, immoderation, and many other habits which lead teachers to wildness or to contentment with a second-rate performance render many unscientific. It is an irony that teachers of the latter classification often receive the high rewards of the profession. It is to be noted that all teachers, who are not research men, however capable they may be at exposition, are, when it comes to interpretation, dealing out second-hand stuff or imagination and mere opinion. Then there is the textbook writer. His work is difficult enough, I understand.

Until recently, textbooks were rarely written after much original research. Those that are good, are even yet works of popularization—a vulgarization, to use the phrase of one of my colleagues—of the work of others. If based on sound research, however, textbooks—indispensable tools for introductory courses—are themselves scientific. Many of them, however, greatly abuse their freedom with generalization. On the work of “popularizers,” Langlois and Seignobos have to say: “In most works of historical popularization, there inevitably appear blemishes of every kind, which the well informed always note with pleasure, but with a pleasure in which there always is some touch of bitterness, because they alone can see these faults: unacknowledged borrowings, inexact references, mutilated names and texts, second-hand quotations, worthless hypotheses, imprudent assertions, puerile generalization, and, in the enunciation of the false or the most debatable opinions, an air of tranquil authority.”<sup>8</sup>

The methods followed by many historical writers are well analyzed by H. H. Bancroft. In his memoirs, entitled *Literary Industries* he

Analyzes with sufficient minuteness some practical consequences of the imperfection of the methods of research. He considers the case of an industrious writer proposing to write the history of California. He easily procures a few books, reads them, takes notes; these books refer him to others, which he consults in the public libraries of the city where he resides. Several years are passed in this manner, at the end of which he perceives that he has not a tenth part of the resources in his hands; he travels, maintains correspondence, but, finally despairing of exhausting the subject, he comforts his conscience and pride with the reflection that he has done much, and that many of the works he has not seen, like many of those he has, are probably of very slight historic value. As to newspapers and the myriads of United States government reports, all of them containing facts bearing on Californian history; being a sane man, he has never dreamed of searching them from beginning to end; he has turned over a few of them, that is all; he knows that each of these fields of research would afford a labor of several years, and that all of them would fill the better part of his life with drudgery. As for oral testimony and manuscripts, he will gather a few unpublished anecdotes in chance conversations; he will obtain access to a few family papers; all this will appear in his book as notes and authorities. Now and again he will get hold of a few documentary curiosities among the state archives, but as it would take fifteen years to master the whole collection, he will naturally be content to glean a little here and there. Then he begins to write. He does not feel called upon to inform the public that

<sup>8</sup> Ch. V. Langlois and Ch. Seignobos, *Introduction to the Study of History* (Trans. by G. G. Berry), 313.

he has not seen *all* the documents; on the contrary, he makes the most of what he has been able to procure in the course of twenty-five years of industrious research.<sup>9</sup>

By exercising his profession in one or another of these methods of activity, one may come to have marked influence on one's time. Such a person may become an accurate interpreter of his own age, merely using history as a means of giving his essays or discourses historical flavor of credibility. Such articles or books are of considerable importance to later historians when they come to assess the period in which they were written. Again one may, in treating historical materials, become a distinguished man of letters. All of this may be done without the discovery of a truth or the verification of a single historical fact. Indeed, most of the types of so-called historians I have so far mentioned are users of second-hand information, commentators, collators. Much of their work is mere opinion; some of it speculation—valuable as such, only. The presence of many footnotes is not evidence, at least not proof, of scientific work, although it may be collation of scientific opinion and results. In fact a good deal of the contemporary periodical literature is little more than a mass of rationalization, and that very thin. But it has the grace of capitalizable popularity. Some of the popular articles—it should be said—even when without documentation, are the results of scientific work and are popularized with the social service idea in mind that a work with all the accompanying scientific paraphernalia would not appeal to a reading public in need of the information or would be published in a form inaccessible to that public.

But what of the scientific historian, the one whose business it is to discover and verify truth? If we add to the person with capacity scientifically to discover and verify truth the capacity philosophically to interpret it, we have, I believe, the highest type of mentality associated with historical work. His interpretation may be opinion also, and guesswork sometimes too, but his interpretation has behind it the authority of facts demonstrably true.

The scientific historian is a fairly recent development, being as a class the product of the 18th and 19th centuries, and mainly the latter. An explanation of the lateness of his appearance is made by Professor Gooch in his scholarly work, *History and Historians in the*

<sup>9</sup> Ch. V. Langlois and Ch. Seignobos, *Introduction to the Study of History* (Trans. by G. G. Berry), 31-42 (note).



*Nineteenth Century*, in which he states that prior to the last century historical science had to labor against serious handicaps—the catastrophic theory of historical causation, contempt for the medieval period, the inaccessibility of archives in which the major sources were stored, the lack of any critical standards, and the failure of governments, society, or individuals to provide any systematic instruction in either subject-matter or methods.<sup>10</sup>

To become a scientific historian is a difficult and sometimes a heart-breaking process. A comprehension of this process might be facilitated by giving my conception of such a historian and of the preparation and training he must undergo. I shall present this analysis under the following topics: I, Subjective Preparation; II, Auxiliary Preparation; III, Methodology of Research.

I. In the first place there is the subjective preparation and requirement, in which the temperamentally unfit are those who have a trying time of it. Under this head, the aspirant must have, or in time develop a keenness, an intellectual ardor, for research, investigation and discovery. He must have a knack for successful exploration, a sort of hunter's instinct. He is called on to persevere patiently to the end in spite of discouragement, discomforts, and sometimes the positive risk of incurring the positive measures of intolerance. Like the explorer of unknown geographical parts, he may fail. But, in case he makes a really important discovery, it is given to him to experience a thrilling release of the emotions, an exaltation of the spirit. If one has not that sort of ardor, it is doubtful he will ever be a great scientific historian. Secondly, he must, if he expects to become really great, worship the truth for its own sake. As Locke nobly wrote, "To love truth for truth's sake is the principal part of human perfection in this world and the seed plot of all other virtues."<sup>11</sup> Let the historian be cynical and skeptical about all else, in this must he be a devout religionist. Thirdly, he must have personal detachment. He must have the difficult but necessary faculty of objectivity, rejecting the usual mode of interpretation—that of regarding, according to Professor Giddings, others in terms of ourselves which we do because this way of knowing one another is the way of least effort.<sup>12</sup> As the scientific historian

<sup>10</sup> G. P. Gooch, *History and Historians of the Nineteenth Century*, 7-13.

<sup>11</sup> Locke, *Letter to Collins*. Cited by Lord Acton in *The Study of History*, 112.

<sup>12</sup> F. H. Giddings (ed.), *Descriptive and Historical Sociology*, 300.

must be a sincere and severe critic, he must be first of all a sincere and severe critic of himself. Absence of partisanship, furthermore, is as needful for periods, men and events of the distant past as for those of a more immediate or contemporary relation to the writer. Fourthly, he must have or develop a mind in its outlook judicial and free from dogmatism. This prerequisite, I am inclined to regard as a *sine qua non* for the scientific historian. Ability to see both sides of a question with really fair and impartial judiciality is difficult. "There are so few men mentally capable of seeing both sides of a question; so few with consciences sensitively alive to the obligation of seeing both sides; so few placed under conditions either of circumstances or temper, which admit of seeing both sides."<sup>13</sup> None the less, the scientific historian should be able to tell the story of the Protestant Revolt to a mixed group of Protestants and Catholics so that both would know that each had received justice. This capacity must spring from some such intellectual flexibility and freedom from dogmatism as made it possible for Carneades to appear in the Roman Forum and one day demonstrate convincingly that there was a principle of absolute justice and on another day with equal force to show that there was no such thing. After all, such judiciality does not mean indecision. The judge should hear the evidence, give an opinion and render a decision in the light of justice and reason. The historian's freedom from dogmatism and his open-mindedness need not lead him to extremes of credulity before evidence and ideas which are in the light of reason fantastic or extravagant. The scientific historian takes the best element contributed by the eighteenth century school of rationalists headed by Voltaire, who as critics were or affected to be devoid of reverence or respect or contempt for any institution or any reasonable idea. Neither personal detachment nor judiciality which are complementary and perhaps overlapping qualifications require such extreme abstinence from the expression of personal opinion as to result in dull neutrality. Such neutrality—that is, the balanced view of controversial questions—to the scientific historian, however, is preferable to unsupported dogmatism. Fifthly, there is a set of additional qualities which might be mentioned without extended comment: independence, indifference, and courage. Intellectual independence not only, but

<sup>13</sup> Acton, *op. cit.*, 109. The quotation is from Greg, *Political Problems*, 173.

independence in financial resources, in the opinion of some thinkers, is necessary. Indifference to disappointments not only, but indifference to prompt worldly rewards is a valuable asset.

These qualifications, especially the first four, are not mentioned as being merely advisable or that having been mentioned and endorsed they can then be safely forgotten until the next time the historian in question has to advise a student or has to make a presidential address to some society of his fellow historians. The price of subjective fitness is constant vigilance, constant self-guardianship. In thinking about these matters I am often reminded of that remarkable book of Ignatius Loyola, *The Spiritual Exercises*, in which the Jesuit saint said, "As walking, marching, running are bodily exercises, so spiritual exercises consist of the different ways of preparing the soul to rid it of all unruly affections and when it is quit of them to seek and find the will of God, to notice what arouses a spirit of devotion and what chills it, in the ordering of one's life with a view to salvation."<sup>14</sup> What this drill sergeant of the conscience was to Loyola, the constant practice of these requirements of subjective fitness is to the honest and moral historian. This conception of the scientific historian may chill the reader by its austerity. Indeed, the apprenticeship of such historians is hard.

II. Training for career; auxiliary preparation. What must be the equipment of such a historian prior to entry upon his labors? The scientific historian who should attempt a universal history might be supposed to know everything that ever happened, but such a historian makes no attempt of the sort. His field must be a limited one, for he is essentially a specialist; and his preparation, aside from the general undergraduate and graduate courses, includes all that is necessary and pertinent to his subject. For some fields his auxiliary preparation is not especially arduous. It is obviously less exacting for historians concerned with periods in the history of their own country, and particularly for those treating relatively recent or contemporary times. This preparation for the historian attempting to treat the history of any foreign country in which there is used a language different from his mother tongue is materially increased by the indispensable obligation to acquire a mastery of that language or languages. This task becomes increasingly exacting when the

<sup>14</sup> See E. M. Hulme, *The Renaissance, the Protestant Revolution, and the Catholic Counter Reformation in Continental Europe*, 417.

sources for his subject are to be found in manuscripts written in unfamiliar or unused style and spelling. For this he must know paleography. It is readily seen, therefore, that the equipment of the scientific historian dealing with medieval and ancient history is the most difficult and arduous of all to obtain. The late Professor Henry A. Sill, of Cornell University, in his lectures on the historiography of the Ancient World, regarded as a necessary part of the auxiliary preparation of the historian of that period a knowledge of the following "neighboring sciences": Philology, Epigraphy, Paleography, Archaeology—prehistoric and classical,—Numismatics, Sphagistics, Heraldry, Genealogy, Chronology, Geography and Anthropogeography, Ethnology, Anthropology, Physiology, Psychology, Social Psychology, Sociology, Politics, Economics, Jurisprudence, Logic, Ethics, Philosophy, and the Philosophy of History.<sup>15</sup> Here is supplied a basis for real synthesis!

The great historian and bibliographer, Henry Harrisse, when writing to his friend, Samuel L. M. Barlow, of his volume on the *Bank of St. George*, made an instructive statement of his conception of the training and acquired knowledge needful to the historian of the bank:

A complete history of the *Ufficio di San Giorgio* alone would require not less than four stout volumes in folio, besides an appendix of two hundred documents. As the history of the Bank of St. George is in a degree the history of the Genoese Commonwealth, no writer can presume to undertake the work without first possessing a thorough knowledge of the Pisan, Venetian, Florentine, Neapolitan or Aragonese, Corsican and French annals, particularly the latter for the fifteenth century. He must also be familiar with the records of all the colonies, branches, and trading-posts which, from the Straits of Gibraltar to Bagdad, through the Crimea, Black and Caspian Seas, as well as in Corsica, Cyprus, Scio, and Sardinia, the Nile and Euphrates, prospered during centuries under the protection of Saint George. He needs to be versed likewise in the Roman Law, as it was modified in the code, ordinances, and practices enacted by the Bank for its own tribunals, and also in the Common Law of Genoa. To be learned in Medieval Latin and the Italian dialects, in diplomatics and paleography, is not less necessary, as there is nothing more difficult than to decipher the half-effaced manuscripts of that time, class, and country. Yet, these various requisites answer only for the first part of the task. The second part requires in addition that the writer should be a practical financier, well acquainted with the commercial and financial history of Europe, the origin and organization of the Banks of Venice, Amsterdam, England, and Hamburg, as well

<sup>15</sup> For access to these lecture notes, I am indebted to my colleague, Professor W. E. Caldwell.



as of the East and West India Companies chartered in France, Great Britain, and Holland. But more especially must he understand the formation and inner-workings of those institutions which under the names of Joint-stock Companies, *Caisses d'Amortissement*, *Crédit Mobilier*, Floating Debt, Bonded Warehouses, etc., etc., have exercised in our time such a paramount influence on the finances, trade, and manufactures of Europe.

I scarcely need say that I do not possess and never can hope to acquire such a vast amount of erudition. It is therefore impossible on my part to comply with your wishes, and you must rest satisfied with a bare statement of the principal facts, dates, authorities, and documents.<sup>10</sup>

### III. The process and execution of scientific work:

The best work on the methodology of historical investigation, in my opinion, is Langlois and Seignobos, *Introduction to the Study of History*. The student of method can not do better than to master the contents of Chapter I, Book I, Book II, and Chapters I-IV of Book III, to which readers of this paper are referred. In brief the method suggested may be outlined, broadly, as follows:

1. Location, exploration, and accumulation of materials. Some investigators stop here as compilers or collectors.
2. Examination and criticism: external criticism; internal criticism; historical criticism. Some stop here as editors or archivists.
3. Selection, classification, organization, and verification of materials. Documentation.
4. Exposition and interpretation.

But what, after all, has been accomplished when such labor is carried through to completion—a definitive history? Perhaps, but not very likely. It is the hard fate of scientific and critical work that it too is supplanted whenever new truth is discovered. Such discovery may alter the meaning of facts thought to have been exhaustively exploited and result in the old work being superseded by the new. Likewise the interpretations of scientific workers may suffer the fate of those of less worthy men. This, in fact, has been the lot of Ranke, and many others. Ignoring these possibilities and probabilities, the aim should be that scientific labor should be so done that it will never have to be done over again, so far as the same objects are concerned. In so far meritorious work may be permanent, which is all that can be said for any work of scholarship. Yet

<sup>10</sup> Henry Harrisse, *Christopher Columbus and the Bank of Saint George*, 51-52.

scientific history has been and is making great achievements in the reconstruction of the past in the light of truth. Much of the new material substantiates, amplifies, and renders authoritative—as well as modifies—initial discoveries. Almost every period of history has experienced revision at the hands of such historians—a few illustrations of these achievements being the revision of the history of the Homeric age, the results of higher criticism of the Old Testament, the criticism of the Roman legends, new light on the Hellenistic age, the deciphering of the hieroglyphics, cuneiform, Hittite, and Maya writings, the reconstruction of the medieval period, etc. Vast industry has been devoted to inscriptions, texts, and documents. It is to be admitted that this sort of history does not always result in greater clarity and certainty, but it is probable the most worthwhile activity of the historian. Some may be disposed to criticise the scientific historian as “merely a fact-finder” or as one “given to pedantry.” It is true that some active investigators devote themselves to the *minutiae* of scholarship, giving years of labor to the study of unimportant matters, which to many critics seems a waste of time and talent. None the less, historians of the non-scientific type, as well as members of the “new history” group, owe a great debt to the men whose labors of research they sometimes affect to patronize. It should be noted, however, that some of the “new history” advocates make no attack on scientific methods of research.

When we come to interpretation or what some call the philosophy of history, we arrive at what in the opinion of perhaps a majority makes history worth while. Otherwise we should have what has been called the “vast chaos” of historical facts, left, as it were here and there in archives, libraries, monographs, and stout tomes by the successive waves of historical effort through all time. From this chaotic mass, we must select, synthesize, and interpret. To be sure, if we are to have an intelligent comprehension of the civilization of the world about us we must have intelligence of the significance of historical facts. Interpretation of the truth verified in the completed act of the historian—his glory and high responsibility. In fact, interpretation begins with the third stage of historical work—selection and classification of materials. The retention of some facts and the rejection of others is not only decided by reasons of pertinence, but with interpretation in mind. It should be kept in mind,

also, that the historian must have regard not only for what is true in history, but for what people have believed to be true; the latter, as Professor Dunning pointed out, often being more important than the former. Leaving out of account as likely to be worthless the opinions of controversialists, the amateur historian, and the special pleader, as well as any interpretation determined upon antecedent to research—all of which are only accidentally meritorious, it is believed that the world would be considerably advanced along the road to right thinking if it would give credence only to the opinions of those entitled to submit them by virtue of their knowledge of the truth. That is, confidence should be placed in those who have proceeded inductively, instead of deductively, to their conclusions. The corollary is the rational one—that the expert in one period of history is morally bound to abstain from interpreting data on which he has no scientific information. That wish, inferentially in the mind of Plato, is as far from realization as a rule of practice today as it was in the time of the great Greek. As it is, people are readier at interpretation than at research. These truths are often forgot or ignored by the scientific historians themselves. As Langlois and Seignobos remark:

The reason is that these authors, when they address the public, wish to produce an effect upon it . . . Their desire to make a strong impression leads them to a certain relaxation of scientific rigour, and to old rejected habits of ancient historiography. These men, scrupulous and minute as they are when they are establishing details, abandon themselves in their exposition of general questions, to their natural impulses, like the common run of men. They take sides, they censure, they extol; they colour, they embellish; they allow themselves to be influenced by personal, patriotic, moral, or metaphysical considerations.<sup>17</sup>

Omitting from consideration special views of history which any philosophy of life that has any background in reality may offer and the whole subject of apologetics as a mode of interpretation, one would find on investigation that there are certain schools of history having systems of interpretation in terms of which they resolve historical facts. Professor Barnes in his recent work gives some eight systems, as having vogue at present. "They are in no sense mutually exclusive but are rather, to a large degree, supplementary. They may be designated as the personal or "great man" theory; the

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<sup>17</sup> Langlois and Seignobos, *op. cit.*, 314.

economic or materialistic; the allied geographical or environmental; the spiritual or idealistic; the scientific; the anthropological; the sociological; and the synthetic or "collective psychological."<sup>18</sup> For a statement of these schools that prevailed in the past as well, this list would have to be expanded and modified somewhat. Without attempting a chronological arrangement, and without considering the metaphysical, philosophical, mystical, and psychological implications which four or five of the systems suggest, I offer the following list with brief explanatory comments on each:

1. First among these, I should place what may be called the "new-point-of-view" complex, meaning by it that the person, event, movement, institution, endorsed by one generation with special enthusiasm is likely in a subsequent generation to be subjected by historians to fault-finding criticism. Conversely, those condemned with vehemence are likely to be found to have possessed unappreciated and redeeming virtues. Examples are numerous: they are to be found in the rehabilitation, for instance, of certain of our presidents, such as Polk, Buchanan, and Andrew Johnson. Historians have a delight in vindicating lost causes and in white-washing tarnished souls. As a brilliant South American has put it, "One of the greatest intellectual pleasures that can be experienced must be, without doubt, the pulling down from his throne that person who has dazzled and deceived his contemporaries."<sup>19</sup>

2. The providential and spiritual schools. The first division of this group represents one of the oldest and most persistent systems of interpretation, which, of course, finds the explanation of human action and history in the will and interposition of God. Providential determinism or predestination and the suspension of the operation of natural law through miracles are extreme forms sometimes prominent in this theory and lead to what is called obscurantism. Bossuet in France and Bancroft in the United States are examples, respectively, of the influence of this idea in extreme and in moderate degree. The second division is defined by one of its exponents, Dr. Shailer Mathews, as "The spiritual interpretation of history must be found in the discovery of spiritual forces co-

<sup>18</sup> Barnes, *The New History and the Social Studies*, 31.

<sup>19</sup> "Uno de los mayores placeres intelectuales a que puede aspirarse debe ser, sin duda, el derribar de su trono aquel ser que deslumbro y engano a sus contemporaneos, y trato luego de perpetuarse ante la historia."



operating with geographic and economic to produce a general tendency toward conditions which are truly personal. And these conditions will not be found in generalizations concerning metaphysical entities, but in the activities of worthwhile men finding self-expression in social relations for the ever more complete subjection of physical nature to human welfare."<sup>20</sup>

3. The great man idea—or the theory that leadership, the great personalities, the heroes or the supermen determine the character of each period. We often speak of the Age of Louis XIV, or the Jacksonian Epoch, the Age of Pericles, or, best of all, the Age of Napoleon. Although we might mean different impressions to be drawn from such usage, it springs consciously or unconsciously, from momentary acceptance of this theory. Such a view is the key to biographical history. It is well known that this idea is identified with the name of Carlyle.

4. The cycle theory—a view which emphasizes the rise and fall of men, ideas, economic interests and tendencies, institutions, conventions, and states. This rise-and-fall process is supposed to respond roughly to a rule or law of periodicity. It was the opinion of Tacitus that "possibly there is in all things a kind of cycle, and there may be moral revolutions just as there are changes of seasons."<sup>21</sup> Mention of this theory doubtless recalls to mind the attempts of political philosophers to find a rule for the succession of forms of government.

5. The rational explanation and the theory of progress. These systems regard every event and fact as susceptible of reasonable explanation and as fitting into the development of society. In the end it has its place in the chain of continuity, contributing its quota to the advantage of society, to progress, and to the ultimate perfection of mankind. This school places emphasis on the history of civilization, the theory of the continuity of history, the social purpose and utility of men, measures, and events.

6. The catastrophic conception of history—the attempt to account for movements, policies, tendencies, and history by some personal act, some natural calamity, some act of Providence, etc. In the book of Ex-Governor H. S. Hadley, *Rome and the World Today*, much subsequent history is made to depend upon the significant effects of

<sup>20</sup> Shailer Mathews, *The Spiritual Interpretation of History*. Quoted, Barnes, *op. cit.*, 33.  
<sup>21</sup> A. J. Church and W. J. Brodribb (eds.), *Annals of Tacitus*, Bk. III, ch. 55, 103.  
Cf. J. B. Bury, *The Ancient Greek Historians*, 204-208.

the plague that afflicted the Roman Empire in the days of Marcus Aurelius. Some ascribe the downfall of Miranda's government and the collapse of the first struggle for independence in Venezuela to the frightful earthquake that occurred in 1812. The historian William Robertson is regarded as a representative of this school.

7. The theory of the ideas or missions successively realized in history by means of particular peoples. From Hegelian philosophy there was derived the emphasis that was placed upon the idea, the spirit, and the mission of certain peoples, as they come upon the stage successively. The Teutonic idea—the Teutonic peoples as the political people *par excellence*—the Teutonic race and its mission-of-civilization urge—all of which was in great vogue a generation or so in the past, may serve to illustrate this conception. This characterization of a school brings to mind another system which is to be described with about the same formula—that which regards the vital essence of history as the tracing of the great ideas of each generation, such a nationalism, constitutionalism, imperialism, militarism, internationalism, etc. This is contrasted with those who regard as of more importance the ways of doing things, administration. This contrast is brought out incisively by Fueter.

8. The comparative method. This has many forms and designations. It has been applied in history alone, by comparing analogous data in several ages, or by comparing such data in the histories of two or more countries. Then it has called upon the allied subjects of geography, law, government, economics, anthropology, ethnology, sociology, statistics, ethics, etc., for materials in order to reach a generalization. This idea was familiar to the ancients and was definitely developed into a scheme of historiography in the 17th and 18th centuries.<sup>22</sup>

9. The remaining five systems—the anthropological, geographical, or environmental, economic, sociological, and scientific—all illustrate the same principle, that of emphasis. That principle is applied in two ways: that of assigning to the influence of geography or economics, for instance, the determining causation of events and history; the other is that of attributing to such forces only occasional or contributory powers of determination while at the same time ad-

<sup>22</sup> For a more detailed analysis of this system, see Langlois and Seignobos, *op. cit.*, 290-295.

mitting other mutually coöperating influences. There are, for instance, occasions, and they are numerous, when economic forces have the controlling influence; there are others when they are one among several factors; and there are still others, it is held, when the economic factors of the situation are neutralized. The same observation might be made of each of these five systems.

Although some of the enthusiasts identified with particular schools of interpretation have sought to explain all history by their formula, none of these systems can be said to have reliable claims to exclusive adoption or to universal application. Interpretation, so far, is not scientific. Points of view, opinion, special theses, interpretation—particularly that of controversial matter—are likely to be of brief influence and importance. Much of historical interpretation, as Professor John Dewey and Professor James T. Shotwell have pointed out, would seem to be explanation of the past in terms of the dominant interest or interests of the age in which the historian writing lived. However much of disillusionment there may be in this fact for some of us, the historical interpretation of the dominant interests of the age is a primary function of the historians living in that age. Indeed, some would contend that the successful performance of this duty is the justification of history. The consequence is plainly evident—the interpretation conditioned upon this norm is likely to endure only so long as the interests in question are sustained in their dominance. If so, it is likely that each generation will want to rewrite history for itself. By some it would doubtless be maintained that something very near this is the situation with us today. This contention would seem true only in part. The volume of verified truth, as time passes, is slowly increased. From time to time, there appear interpretations, well fortified with facts inductively treated, which seem likely to win through to acceptance. With these reservations, the conclusion is well founded. It is believed to be applicable to certain other subjects as well—to law, religion, economic theory, sociology, political theory, philosophy, and perhaps to still others. From which long ago arose for the historical synthesist the difficult problem of knowing what is the truth in these “allied” fields. As he is not likely to be a master of all or perhaps any of them, he must accept the guidance of what he regards as reliable authority; or, if he is sufficiently audacious, he may become an interpreter of

these subjects as well. For the historian who strives to be independent of the demands and tendencies of his generation, there are the "systems" or modes of interpretation. He may try an eclectic method and apply each of them in turn to his data as tests. On the other hand, to judge from the past, confidence would be misplaced if reposed exclusively in any one of them.



## THOMAS COOPER AND THE STATE RIGHTS MOVEMENT IN SOUTH CAROLINA, 1823-1830

BY DUMAS MALONE

Historians have not been entirely unaware of the tremendously important part played by Thomas Cooper in the state rights movement in South Carolina during the decade before nullification. A detailed study of the career of this brilliant and erratic scholar and controversialist, however, leads to the conviction that he was a much more significant figure than has been supposed. Although he had little to do with the final events of the nullification controversy, his importance as a pioneer can scarcely be over-emphasized. And no man more than he deserves to be termed the schoolmaster of state rights and the prophet of secession.

After a stormy career in his native England, where he was an unsuccessful advocate of parliamentary and social reform, and in Pennsylvania, where he was successively Republican pamphleteer, state judge, and college professor, he came to South Carolina in 1820 to assume first a professorship in the state college and then the presidency of the institution. Sixty years of age and already noted for learning and notorious for controversy, he became a violent defender of the interests of his adopted state almost from the moment of his arrival in it, and preached particularistic doctrines, with more than a hint of secession, until his death in 1839.

He was as free from local attachments as one well could be, so his loyalty to South Carolina could hardly have been instinctive. It must be explained as due either to far-sighted prudence, which seems improbable with such a temperament, or to the coincidence of the fundamental doctrines of state rights with the essential principles of his own philosophy. Before he extended his itinerary southward he had discarded democracy, which he had once hopefully proclaimed, because it placed too great a premium upon ignorance. But his passion for freedom, which had always dominated his public conduct, remained and expressed itself in advocacy of a modified political individualism, the sovereign power of the state. Furthermore, he rejoiced in the opportunity to battle for what he regarded as an oppressed

minority; and the doctrines of South Carolina, as they grew in part under his influence, were a logical development of the economic philosophy of Adam Smith which he had long accepted and the political teachings of the great Virginians, whom of all American statesmen he revered most. He had once strongly opposed slavery and his defense of the institution after his removal to the South can hardly be termed consistent. Perhaps he had become less a theorist and more a realist as he had grown older, and with his rejection of democracy as a sufficient solution of human problems had surrendered also his former theories about human equality. At any rate, he had no quarrel with his neighbors on this fundamental question.

The first and probably the greatest services which Cooper rendered the state rights cause were educational. He himself expressed the hope that one of his pamphlets against the tariff might answer the purpose of a textbook in the final struggle between right and wrong, and one of his admirers later claimed that his pamphlet, *Consolidation*, had become the textbook of South Carolina doctrines. He incorporated his political and economic opinions in his college lectures and took full advantage of his strategic position for propaganda. The influence which he exerted directly and indirectly must have been enormous. As a recent writer has said, he "laid the academic foundation" upon which the doctrines of the state were built.<sup>1</sup>

In his writings, Cooper dealt specifically with the questions of slavery, the tariff, and state sovereignty. Several years before Thomas R. Dew proclaimed his philosophy of inequality, Cooper defended the southern system of labor with a yet-uncommon frankness and outlined the chief arguments which southern apologists in due time elaborated.<sup>2</sup> In the philosophical defense of slavery, he was in advance of Dew, William Harper, and James H. Hammond, upon all of whom he probably exerted direct influence. He was among the first of the followers of Jefferson to make public denial of the validity of the social doctrines of the Declaration of Independence. In 1829 he declared that he knew of no sense in which it ever was or could be true that men are "born free, equal and independent," and questioned the doctrine of unalienable and indefeasible rights.<sup>3</sup> "Rights,"

<sup>1</sup> Colyer Meriwether, in *The South in the Building of the Nation*, XI, 234.

<sup>2</sup> See especially his pamphlet, *On the Constitution of the United States, and the Questions that have arisen under it*, 1826, pp. 45ff.

<sup>3</sup> *Lectures on Political Economy*, 2 edition, pp. 360-1.

he said, "are what society acknowledges and sanctions, and they are nothing else." As for the negroes, they had only such rights as white men chose to grant them.<sup>4</sup>

Although Cooper's contributions to southern social philosophy have been little recognized, his services as an opponent of the tariff have been generally admitted. He provided general economic arguments to support the position South Carolina upheld, inculcated them into his students, and gave them wide currency in various writings. In the state he was the recognized philosopher of free trade, and contemporary comments upon him by protectionist philosophers elsewhere show that they regarded him as a conspicuous and formidable foe. His pamphlet, *On the Alteration of the Tariff*, which he published in 1823 and sent to the members of the South Carolina delegation in Congress, went through at least three editions, was widely commented upon at the time, and was replied to directly by Matthew Carey. This advocate of protection stated that it was "circulated with great industry, and hailed as a complete triumph" by the school of economists with which the writer identified himself.<sup>5</sup>

The significance of Cooper's general writings in political economy<sup>6</sup> lies rather in their relation to subsequent political developments than in their relation to the history of economic thought. He was the first academic lecturer in economics in the South, if not in the entire country.<sup>7</sup> The lectures first delivered were published in 1826. They do not represent an original contribution to the literature of economics; they were prepared for beginners and the published work was intended as a textbook, though the author undoubtedly expected to exert an influence beyond the limits of the classroom. Only George Tucker of Virginia had preceded him in the South as a writer on general economic questions, and Cooper's work was considerably the more comprehensive. Although Cooper's influence upon southern economic thought may have been less than that of Dew, it was exerted earlier than that of this well-known Virginian. Cooper stated that his interest was not in the "metaphysics of political economy," but in the application of the principles of the science to statecraft. He con-

<sup>4</sup> "Colored Marriages," *Carolina Law Journal*, July, 1830, pp. 92-106.

<sup>5</sup> *Examination of a Tract on the Alteration of the Tariff by Thomas Cooper, M.D.*, by a Pennsylvanian, 2 edition, 1824, p. iii.

<sup>6</sup> *Lectures on the Elements of Political Economy*, 1826, 1829, 1831; *Manual of Political Economy*, 1833.

<sup>7</sup> The contemporary opinion in South Carolina was that he was the first regularly appointed professor of political economy in the country. See *Columbia Telescope*, Jan. 1, 1830.

fined himself largely to matters which had definite bearing upon contemporary political questions, and through his lectures communicated his own ideas on current problems both to his students and the general public. He undoubtedly exerted great influence and aided in establishing doctrines of *laissez-faire* in the southern mind.

In the autumn of 1824, Cooper published a pamphlet, *Consolidation*, which established beyond question his standing as a radical exponent of state rights.<sup>8</sup> This gave an outline of political developments from the beginning of the government as sketched by one biased against consolidation. The historical treatment was intended to prepare for a discussion of contemporary issues, especially internal improvements, with a view to the presidential campaign of 1824. Cooper's object was to show that not only Adams and Clay, but Calhoun and Jackson also, were really Federalists, and thus to advance the interests of Crawford, whom he regarded as the most consistent advocate of state rights among the candidates. He bitterly condemned Calhoun for his advocacy of internal improvements and criticized Hayne and McDuffie for faint-heartedness in defending the interests of South Carolina. The immediate political significance of the pamphlet did most to attract attention to it at the time, but subsequently its general state rights position caused it to be most highly valued and led to its republication six years later, after Crawford had ceased to be a political factor and the campaign of 1824 had been almost forgotten. Although the vote of the state went for Jackson, Cooper had put himself at the forefront of the state rights party. In 1824 he was a more thorough-going advocate of the rights of South Carolina than the more conspicuous of the younger statesmen who were later to come over to the uncompromising position which he had taken.

Two years later he gave expression to even more pronounced state rights views in his essay, *On the Constitution of the United States and the Questions that have arisen under it*. Here he spoke of the constitution as "power of attorney," and flatly denied that it was the work of the people of the United States. He claimed that the doctrine of general welfare implied despotic power, and that the states were becoming petty municipalities controlled from Washington. He felt that the American government was better designed than any other to

<sup>8</sup> *Consolidation, An Account of Parties in the United States from the Convention of 1787, to the Present Time.*



assure the people's rights and happiness, but that perpetual superintendence and control were necessary. After forty years' observation of public affairs he was still an implacable foe to tyranny, but his emphasis had shifted from the rights of man to the rights of sovereign states, and he now advocated as a safeguard, not the spread of democracy, but the strict interpretation of the constitution, which he regarded as a bulwark against usurpation.

No one familiar with Cooper's temperament and history would have expected him to be content with an academic and educational influence, however great, but doubtless few anticipated the immense notoriety of his last years. In an able but intemperate speech delivered in July, 1827, at a meeting held in Columbia to protest against the proposed increase in the tariff, he declared that it was time for South Carolina to calculate the value of the Union. Upon this expression the changes were rung for years, not only in the state but through the nation, and its author became one of the two or three most conspicuous agitators for aggressive state action. He continued such until the nullification controversy passed into the legislative stage, by which time the excessively advertised college president was being pursued so relentlessly by his old Presbyterian foes that he had to exert his strongest efforts in his own behalf. The years immediately following this radical and prophetic utterance may be regarded as the climax of his life in South Carolina.

Cooper's tremendously significant speech upon this occasion contained a historical sketch of the tariff from the beginning of the government and a vivid description of the present dangers to which the state and section were exposed by the efforts of the industrialists of the East.<sup>9</sup> He frankly appealed to southern sectional interest, if not to prejudice. Insinuating that Webster and Clay were tools of the manufacturers, he launched into an extravagant tirade against the American System, which he termed a system of "fraud, robbery and usurpation." Under it, he said, the earnings of the South were to be transferred to the North, the many were to be sacrificed to the few, and the planters and farmers were to become serfs to the "lords of the spinning-jenny and peers of the power loom." He said that the South must soon calculate the value of the Union, and inquire of what use to her was this most unequal alliance by which she was

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<sup>9</sup> *Charleston Mercury*, July 18, 19, 1827; *Niles Register*, September 8, 1827.

always the loser and the North the gainer. "Is it worth our while," he asked, "to continue this union of states where the North demand to be our masters and we are required to be their tributaries?" The question, he said, was fast approaching the alternative of submission or separation. That alternative he and all his hearers would wish to avoid, but if the "monopolists" were bent on forcing their decision, with them would be the responsibility!

It was to be expected that such expressions as these would arouse a tempest of protest. Few men in South Carolina before this time had considered disunion as a possible measure of resistance to the protective policy of the Federal government.<sup>10</sup> Almost everybody in the state resented the tariff, but few questioned its constitutionality, as Cooper himself complained. The threat of secession was destined to be made many times during the next thirty years, but the idea of the withdrawal of the South from an unprofitable union certainly received its first extensive advertising as a result of this speech of the president of South Carolina College. The southern public was to become more familiar with the term disunion through the writings of Robert J. Turnbull, whose *Crisis* was published the same year. He and Cooper were the prophets and pioneers of secession in South Carolina.

The comments on Cooper's speech in the newspapers of South Carolina alone would fill a very long chapter. The Charleston *Mercury*, a strong Jackson paper and bitterly opposed to the administration, although not yet so radical for state rights as it became later, served as a medium for his defenders. The Columbia *Telescope* undoubtedly supported him even more enthusiastically but its file for this particular year has not been preserved. The *Courier* and *City Gazette* of Charleston, both of which were strong union papers throughout the nullification controversy, fairly teemed with hostile editorials and communications. The indignant protests quoted from papers outside the state show the intense irritation which had been created throughout the country.

Cooper's attitude was opposed on the ground of disloyalty to the Union and was described as extreme and absurd. Most of his critics, however, emphasized the personal note. They searched out almost every one of the many vulnerable points in his armor and stated that

<sup>10</sup> C. S. Boucher, *The Nullification Controversy in South Carolina*, p. 3.

his foreign birth and recent arrival in the state made it preposterous that he should have attacked the Union in her name. One writer said of his "political exhibition" at Columbia that no grosser insult to the American people had been offered by a foreigner since the days of Genêt, and a North Carolinian suggested that if Cooper were dissatisfied with the asylum he had found in America he might go elsewhere and not remain to preach sedition and treason.<sup>11</sup>

Cooper did not lack for local defenders, who asserted that he had given a fair description of the deplorable plight of the state and that the attacks upon him were part of a campaign of abuse against all who fearlessly supported the state's best interests. In general they referred little to his expression, "calculate the value of the Union," though the *Mercury* toned this down somewhat and stated that it would approve of such a threat if there were an increase of oppressions.<sup>12</sup> Not even this radical sheet was willing to go with him all the way, but because of its desire to bring about the election of Jackson it approved of violent language against the administration. Most of the communications endeavored to defend the learned doctor against personal attacks and said little about disunion. They spoke of his great reputation, his lifelong services to science and freedom, and his irreproachable personal character, and they described the attacks upon his English birth as an unworthy appeal to prejudice.

Although Cooper was by nature a sensationalist and something of a demagogue, there is sufficient reason to believe that he thought the situation very serious, that he felt that the Union was of little present value to South Carolina, and that he was convinced that an increase in the tariff would probably lead to disunion. This he showed clearly in several letters to Martin Van Buren. Three days after the Columbia meeting he wrote the astute New Yorker, whom he had met previously, to describe the strong anti-tariff sentiment in South Carolina.<sup>13</sup> He stated as his opinion that by the time the Legislature met the members would be ripe for a motion to order the representatives of the State away from Congress if the woolens bill should be passed. The next step, which he thought would be taken within a year if the American System should be extended, would be to separate and declare Charleston a free port.

<sup>11</sup> Charleston *City Gazette*, August 14, 1827.

<sup>12</sup> September 4, 1827.

<sup>13</sup> July 5, 1827, Van Buren Papers (Library of Congress), VII.

A few weeks later he wrote to express regret that Van Buren was, as he understood, supporting the principle of a protective tariff, and to warn him that he was "treading on the crust of a lava not yet solid."<sup>14</sup> He stated that he expected the woollens bill to be enacted and counted "with full assurance" upon South Carolina's becoming an independent state with free ports within a twelvemonth thereafter. He then described the disastrous effect this would have upon the commerce of New York. He predicted that if Van Buren should strongly oppose the principle of protection his present popularity would sink but would rise with redoubled strength and full permanence. By thus appealing to Van Buren's personal ambition, as well as to his concern for the ultimate well-being of his section, Cooper sought to arouse his opposition to the tariff.

By autumn Cooper was not so confident that disunion would come. The severe attacks upon him in the national press and the charge that he had exhorted that the Union be dissolved led him to address a letter to the editor of the *United States Telegraph* in which he explained his statement and described his position.<sup>15</sup> He begged leave deliberately to readopt every syllable which had been complained of, but insisted that he had advocated a *consideration* of the value of the Union, not disunion, which he was anxious to avoid. He claimed that opponents of investigation showed that they feared it. If the North were so valuable to the South, this fact could be proved. The people of the South loved the Union, he said, but they would not be deterred from considering the question of separation from it by the senseless clamor of men who cared no more about the real constitution of the United States than they did about the constitution of Turkey.

The attitude toward the Union which Cooper had manifested was referred to and condemned in due time by the greatest of all the unionists of the period. Webster, in his first reply to Hayne,<sup>16</sup> stated that there were persons in the part of the country from which Hayne came who habitually spoke of the Union in terms of indifference and even disparagement, their aim being, he said, "to enumerate and magnify all the evils, real and imaginary, which the government under the Union produces." Such a spirit of local selfishness and

<sup>14</sup> July 31, 1827, *ibid.*

<sup>15</sup> Quoted in the *Charleston Mercury*, November 1, 1827.

<sup>16</sup> *Register of Debates in Congress*, VI, 38ff.



petty calculation Webster deplored. The Union was discussed by these men, he said, as "nothing more than a mere matter of profit and loss. The Union to be preserved, while it suits local and temporary purposes to preserve it, and to be sundered whenever it shall be found to thwart such purposes. Union, of itself, is considered by the disciples of this school as hardly a good. It is only regarded as a possible means of evil."

Webster did not mention Cooper's name, but Hayne, quick to resent any criticism of a citizen of his state, in effect supplied it.<sup>17</sup> He asserted that Webster had crossed the border and invaded the state of South Carolina, and himself hastened to defend her by demonstrating her devotion to the Union. He spoke only incidentally of Cooper, so the vainglorious president of South Carolina College gladly entered the lists in his own behalf and addressed a lengthy reply to the senator from Massachusetts.<sup>18</sup> In this he asserted that there was no necessity of defending his attitude of "calculation," which he regarded as the "obvious dictate of reasonable caution" and a mere matter of common sense. He expressed the wish that some advocate of the American System would make a detailed statement of the benefits the South had gained from the Union, instead of confining themselves to sneers and declamations. He himself pointed out certain ills which necessary submission to a "despotic consolidated government" had brought the section and asserted that the depressed condition of South Carolina required her to adopt a policy of calculation. Cooper's own attitude toward the Union was, as Webster implied, entirely unsentimental, and his appeal to the state was defended solely on the ground of local self-interest. His frankness is commendable, but his unabashed utilitarianism is not attractive. Although Webster was far from unmindful of the interests of his own New England, he breathed a spirit of lofty patriotism which Cooper entirely failed to comprehend; and Hayne defended his native state with a passionate and unselfish devotion the like of which Cooper never knew.

There was no definite nullification party in South Carolina until after the passage of the Tariff of Abominations in 1828,<sup>19</sup> but the nucleus of one existed somewhat earlier. In August and September, 1827, Turnbull's *Crisis* appeared in the *Mercury*. Here disunion

<sup>17</sup> *Register of Debates in Congress*, VI, 50.

<sup>18</sup> Quoted in the *Columbia Telescope*, March 19, 1830.

<sup>19</sup> C. S. Boucher, *Nullification Controversy in South Carolina*, p. 13.

was frankly advocated as preferable to submission and the South Carolina brand of nullification was first formulated. With the name of Turnbull, that of Cooper was repeatedly associated in the press, and as late as June, 1830, they were described as the principal leaders of "disorganization and misrule."<sup>20</sup> With these two men and the group of the extreme left were associated in the public mind the Charleston *Mercury* and the Columbia *Telescope*. The former paper was chiefly concerned to bring about the election of Jackson, which was a matter of indifference to Cooper, and strongly denied the charge of advocating disunion. The *Telescope* was probably the most radical paper in the state, and with it Cooper was intimately associated.

In 1829 it was charged that Cooper was, to all practical purposes, editor of the *Telescope*. Although the charge was denied,<sup>21</sup> the personal relations between him and the editor, David James McCord, were so close and the defense of him and his position by the latter was so strong<sup>22</sup> that it may almost be said that the *Telescope* was his personal organ. The charge that he dominated the paper was revived in 1830, with a most extraordinary addition, in a communication, presumably from a South Carolinian, to one of the New York papers.<sup>23</sup> The article was headed, "President Cooper and His Plenipotentiary," that is, McCord, whose trip to Europe at the time, it was claimed, was that of a plenipotentiary to England, sent by Cooper and the nullifiers to seek to ascertain British sentiment and what South Carolina might hope for from Great Britain in case of civil war in the United States. It was asserted that rupture between South and North was being urged and that Cooper, an Englishman and actuated by pro-British motives, was the chief agitator for this. McCord was spoken of as an ordinary man in all respects save one, but in that the most extraordinary man of his age: he had evinced "a most extraordinary, total, absolute, devoted subserviency to all the dictates, to all the moral, political, disunionist principles and purposes of that two-legged library of all knowledge, and all science—the president of the College of South Carolina." It was asserted that for the past seven years the *Telescope* had been Cooper's instrument.

<sup>20</sup> Charleston *City Gazette*, June 16, 1830.

<sup>21</sup> Columbia *Telescope*, September 11, 1829.

<sup>22</sup> See especially, *ibid.*, November 6, 1829.

<sup>23</sup> Quoted by the Columbia *Southern Times and State Gazette*, August 23, 1830.

The preposterous charges against McCord were duly replied to, and Cooper, in defense of himself, said that he had been in the United States thirty-seven years and hoped to die here.<sup>24</sup> His political position he described as follows: "For my own part I think with Mr. Jefferson that disunion is a bad thing, but consolidation is worse." It is worthy of note that Calhoun was criticized by the extremists because he, in a public toast, had made the two evils equal. The charge that the nullification party was pro-British was subsequently repeated many times, and the charge that McCord had gone on a diplomatic mission to England was at least once referred to later.

During the years 1828 and 1829, Cooper did not confine his efforts to the propagation of sound constitutional doctrines in the state, and the excitation of his fellow citizens to a sense of the iniquities that were being practiced against them; he revived his correspondence with Van Buren and sought to bring influence to bear upon him. His prophetic instinct had already led him to foresee that Van Buren would some day be president, and he unquestionably preferred him to Jackson's other lieutenant, whom most South Carolinians expected to succeed the old general. Of Calhoun, Cooper continued to be suspicious. There was the old disagreement about internal improvements, for one thing, and he had his own ideas about the character and ambitions of the man. He wrote Van Buren that Calhoun was "too pretending, too fond of the brilliant, the magnificent, the imposing, too calculating how all his sayings and doings will work with respect to his own honour and glory."<sup>25</sup> His main objection doubtless was that Calhoun was not yet sufficiently outspoken in defense of the state against the Federal government.

After Jackson's inauguration, Cooper wrote to congratulate Van Buren upon his establishment as the "master mover" of the administration, and to offer paternal advice to him with a view to his future success.<sup>26</sup> He hoped to win him to a favorable attitude toward southern interests by showing him the importance of the South in the attainment of his political hopes. He described the state of feeling in South Carolina, as he had done before. The excitement was not quite so open and noisy now, he said, but was more deep-seated, more extensive, and was daily growing more formidable. He felt that

<sup>24</sup> Letter quoted by the *Columbia Telescope*, September 10, 1830.

<sup>25</sup> April 11, 1828, Van Buren Papers, VII.

<sup>26</sup> March 24, 1829, *ibid.*, VIII.

among the men of first intelligence in the state there was a deep-rooted conviction that the Union was no longer of value to the South, and that this feeling extended to Georgia and Alabama. On Virginia he did not count decisively, but he thought that the secession of one southern state would necessarily throw the whole section into one condition. Every port would become a free port and New York would be ruined. He was convinced that the tariff and the South could not exist together. Whether or not his representations made any impression on the "master mover" of the administration, Van Buren certainly could not claim that he had not been duly warned of the dangers of a continuation of the protective system.

In 1830, party lines were sharply drawn in South Carolina over the question of calling a state convention with definite mandate to take more vigorous action against the tariff. Cooper favored a convention, as we should expect, and was aligned with the state rights or resistance party against the union or so-called submission party. During the year he continued his work of political agitation. He published a second South Carolina edition of his pamphlet, *Consolidation*, and in the preface spoke violently of the encroachments of the Federal government and the assumption of tyrannical power by the majority in Congress, which had "brought this Union of independent, sovereign states, nearly to its close." All counsels of delay he boldly derided.

Wait! Have we not waited these 7 long years? Patience! How has our patience aided us, except by affording time and temptation to our adversaries to heap insult upon injury, and injury upon insult? Is it not the very remedy recommended by our oppressors? The more patience we have while they rivet the yoke on our necks, the better for them.<sup>27</sup>

Most of Cooper's activities in the pre-nullification campaign have been described. After his famous speech of 1827, he refrained from oratorical effort and exerted his influence through personal association with party leaders and by means of a pen of unabated vigor. In 1830, he was seventy years old and must have found public meetings exhausting of even his superabundant energy. He attended caucuses but contented himself with sending occasional, though always violent, letters or written toasts to public meetings or political dinners. He remained a storm-center. Indeed, except for the year

<sup>27</sup> *Consolidation*, 2 South Carolina edition, Preface.



1827, never during his life in South Carolina did his name figure so prominently in the press as during 1830. It is questionable whether his association with the convention party was now of great value to it. The unionists centered their fire on just such extreme measures as he advocated. The attacks upon his past record and the assaults which were beginning to be made upon him in the name of religious orthodoxy caused him to be something of a political liability. None the less, his associates in the state rights party were thoroughly loyal to him; they drank toasts to him on numerous occasions and never failed to defend him when he was assailed. They may well have regretted certain of his indiscretions, but they never forgot his conspicuous pioneering services to the state rights cause.

Contemporary comments made upon him by unionists show even more strikingly the tremendous significance of Cooper as a factor in South Carolina politics in the late twenties. Joel R. Poinsett, Jackson's confidential agent, stated that upon his arrival in Columbia in October, 1830, he found the public mind poisoned by the utterances of the South Carolina statesmen in Washington, "and by the pernicious doctrines of the president of the college, Dr. Cooper, whose talents and great acquirements give weight to his perverse principles, and make him doubly dangerous."<sup>28</sup> Somewhat earlier, a writer to the unionist *Courier* had named the leaders of the movement to bring about separation from the Union. After a reference to six or seven lawyers, he proceeded to pay his compliments to Cooper:

And, finally, there is one other individual in our state, who has been unremitting in his exertions to render us dissatisfied with our government; who has had the daring effrontery to tell us, "it was time to calculate the value of our Union," and yet he is permitted to enjoy a salary of three thousand dollars, for the purpose of rendering our sons and brothers disaffected towards our Union. Why it is, that the trustees of our college continue such an anarchist in office? What have his renegade English notions of government to do with the arts and sciences? He was not employed to come among us and sow the seeds of discord and disunion. We were a happy, a united people, until his arrival.<sup>29</sup>

After 1830, Cooper played little part in state politics. This was chiefly because he became involved in a terrific theological controversy, from the worst results of which his political allies in due time saved him. He continued to be mentioned in the papers until the

<sup>28</sup> Chas. J. Stillé, *The Life and Services of Joel R. Poinsett*, p. 57.

<sup>29</sup> *Charleston Courier*, September 7, 1830.

end of the nullification controversy, though much less often than the men actually in political life. He was spoken of, however, as "the high priest of nullification," and even as "the father of nullification," and the extreme hostility of the union party to him was evident. With the compromise tariff of 1833 which ended the controversy, he was dissatisfied. He wanted the protective system abolished, not modified. He felt that consolidation had not been definitely checked by the resistance of South Carolina; that the unconstitutionality of a protective tariff had not been recognized, and that dishonest construction of the constitution would continue. There is grim humor in the toast the grizzled old warrior of state rights sent to a Fourth of July celebration in 1836, which on account of his age he was unable to attend:

The Memory of the Constitution of the United States.<sup>30</sup>

In private letters of his extreme old age he continued to talk about secession. He villified the abolitionists and continued to be entirely unsympathetic with the compromising proclivities of Calhoun. In a letter to his former pupil, James H. Hammond, in 1836, Cooper went so far as to say:

I disapprove of the eternal panegyrics on our union, which as construed, is worse than good for nothing; and is at its best, worth little but for imaginative declamation; that is, to the South; to the North it is the widow's cruise of oil, a fountain of living waters, an inexhaustible pretense of solemn cheating under the forms of law. . . . However, the end approaches. A consummation in my opinion, devoutly to be wished for by every Southron.<sup>31</sup>

This passionate utilitarian to whom sentimental attachment to the Union seemed entirely ridiculous, carried to his grave the conviction that the Union was useless to the locality of his last adoption, and with almost his dying breath spoke of disunion as devoutly to be wished for. The seeds of his sowing fell upon a soil fertile in discontent and were destined to bear an abundant and a bitter harvest. But if this great prophet of secession could himself make rejoinder to any reproachful accusation, he would undoubtedly say that had his warnings been heeded earlier and had the issue been tested sooner, the outcome would have been different.

<sup>30</sup> Columbia *Southern Times and State Gazette*, July 8, 1836.

<sup>31</sup> March 2, 1836, James H. Hammond Papers (Library of Congress, VI).

# A HISTORY OF THE PIEDMONT RAILROAD COMPANY

BY C. K. BROWN

The effort to secure a railroad between Greensboro, North Carolina, and Danville, Virginia, dates from November 27, 1848, when John W. Ellis of Rowan County introduced in the House of Commons of North Carolina a bill to incorporate the Charlotte and Danville Railroad Company with a capital stock of \$2,000,000 and empowered to build a railroad from Charlotte via Salisbury to Danville.<sup>1</sup>

Although not a rail had at that time been laid on the Richmond and Danville Railroad, the fact that the projectors of that road were even then thinking of the possibility of extending it into North Carolina is evidenced by the fact that W. P. Tunstall of Danville, its president, addressed an internal improvements meeting in Raleigh on January, 1849, while the fight over the charter of the Charlotte and Danville Railroad was going on in the Legislature. However, it was stated that he "abstained from any remarks calculated to excite sectional jealousies."<sup>2</sup>

When the proposed Charlotte and Danville road, known as the Danville Connection, failed to receive the support of the legislators from the eastern section of the state, the westerners were forced to accept, as a compromise measure, the bill to charter the North Carolina Railroad. That bill promised to provide a rail line over approximately two-thirds of the distance between Charlotte and Danville, and that in a very direct line, leaving only the short distance of 50 miles between Greensboro and Danville to be provided. The people of the West believed that it would be only a matter of time until a charter for the construction of this link could be secured.

For a number of years, however, after the passage of the bill incorporating the North Carolina Railroad Company the energies of the people of the Piedmont were so absorbed in the task of raising the capital for and constructing that road that no active steps were taken looking toward the building of the connection between Greensboro

<sup>1</sup> House Journal, 1848-49, p. 388. House Document No. 4, 1848-49.

<sup>2</sup> *Raleigh Register*, January 6, 1849.

and Danville. They probably reasoned, too, that it was best not to antagonize the hostile East by seeking favors in too rapid succession.

In the Legislature of 1858-59 the fight was renewed when Francis L. Simpson of Rockingham County introduced in the House of Commons a bill to charter the Greensboro and Danville Railroad Company.<sup>3</sup> The bill was referred to the Committee on Internal Improvements which later reported it back with the recommendation that it do not pass.<sup>4</sup> It appears that a majority of the members of this committee were opposed to the passage of the bill, but a minority, consisting of John M. Morehead of Guilford, Newberry F. Hall of Rowan, and Ambrose Costner of Lincoln, all representing Piedmont counties, handed in a minority report setting forth figures to show that the state would be aided by the building of this railroad, because almost all of the traffic in the Greensboro section was incoming; hence, they argued, there was nothing to be feared in the possibility that the road would divert trade to Virginia, as was maintained by the majority. The western or Piedmont route to the South<sup>5</sup> was under great disadvantage of distance as compared with routes farther east by way of Raleigh or Wilmington. The Danville Connection would remove that handicap. There were also great possibilities of through trade with the South by way of Danville, Greensboro, and Charlotte.<sup>6</sup>

The old warfare between East and West broke out again. The westerners were enthusiastically in favor of the bill, while the easterners did everything in their power to prevent its passage. The latter claimed that such a road would be an insult to state pride, and charged its sponsors with the intent of carrying off North Carolina trade to Virginia. The westerners, however, could not see that it was any more heinous to build a railroad from Greensboro to Virginia than to build one from Raleigh to Virginia, or from Chatham to Cheraw, South Carolina, projects which had already received the sanction of the law makers.<sup>7</sup>

After several weeks of warm discussion the bill was finally defeated on its second reading in the House of Commons by a vote of 65 to 37.<sup>8</sup>

<sup>3</sup> House Journal, 1858-59, p. 76.

<sup>4</sup> *Ibid.*, p. 153.

<sup>5</sup> From Raleigh via Greensboro, Charlotte, to Columbia.

<sup>6</sup> Legislative Documents, Doc. No. 48, 1858-59.

<sup>7</sup> *Greensboro Patriot*, January 7, 1859.

<sup>8</sup> House Journal, 1858-59 p. 290.



An analysis of this vote shows that the division was along geographical rather than party lines. Of the 37 men who voted for the bill a little better than half were Democrats. Only 4 of the 37 represented counties lying in the Coastal Plain. The counties from Mecklenburg to Rockingham inclusive across the state were most strongly in favor of the Danville Connection, but other Piedmont counties were greatly interested in having it built.

During all of the period of agitation for the Danville Connection Governor Morehead had been a prominent figure. He had favored it in 1849 when the North Carolina Railroad was chartered. For a while he took no active steps looking to the construction of the Greensboro-Danville link due to his close connection with the North Carolina Railroad Company, of which he was president for five years. However, in 1858-59 he defended it most forcefully both on the floor of the House and in the minority report already referred to.<sup>9</sup>

The westerners believed that many of the members from the East came to the Legislature of 1858-59 pledged to vote against the bill, and thus voted against their better judgment when the reasoning of Morehead and others was presented to them. It was felt that the subject had been so put before the people that the bill was certain to pass at the next meeting of the Legislature.<sup>10</sup>

The *Columbia South Carolinian* regarded the defeat of the bill as a victory for the East Tennessee System, and stated that North Georgia, East Tennessee, and Virginia would be grateful for the champion who crushed so great a potential rival. As was naturally to be expected, Charlotte and Richmond papers expressed regret at the failure of the measure, while the Petersburg press approved the action of the Legislature.<sup>11</sup>

It was on Saturday, January 15, that the bill was defeated. On Monday the vote was reconsidered, and Simpson, in an effort to effect some sort of a compromise, introduced a substitute to fix the northern terminus of the road at or near Leaksville, no nearer the Virginia border than two miles, and no nearer Danville than twenty

<sup>9</sup> *Raleigh Register*, January 17, 1859, March 16, 1858. Konkle, *John Motley Morehead and the Development of North Carolina*, pp. 294, 295, 348-354. Two years later Morehead was still active in the agitation. Konkle, p. 373. The fact that the division in the legislature on the Danville Connection bill was not along party lines is shown by the fact that the *Raleigh Register*, a Whig paper, took sides against Morehead and reproached him for his stand on the matter. This was despite the fact that historically the Whig party had favored internal improvements to a much greater extent than had the Democratic party.

<sup>10</sup> *Greensboro Patriot*, January 21, 1859.

<sup>11</sup> Reprints in *Greensboro Patriot*, February 4, 1859.

miles. After an amendment was put in declaring that the charter would be forfeited if the road should ever be connected with the Richmond and Danville, the bill passed its second reading.<sup>12</sup>

The advocates of the Danville Connection regarded this bill as an insult and a trick of the easterners to foil their plans. They felt, though, that it would do no harm to let it pass, for no one would ever take any stock in the enterprise.<sup>13</sup>

However, the bill did not pass, but was finally changed into the Dan River and Coalfields Railroad bill, which provided for the charter of a railroad from Danville to Leaksville—something like half of the distance between Greensboro and Danville by a somewhat indirect route—and in this form passed on February 16, 1859.<sup>14</sup> This left only the link from Greensboro to Leaksville to be provided for, and at this point the matter rested until the next Legislature convened.

This half-way measure did not satisfy the people who wanted a direct rail line between Danville and Greensboro, so the matter came up again in the House on November 26, 1860.<sup>15</sup> But the proposal did not receive sufficient support and accordingly, on February 7, 1861, the bill was amended so as to change the northern terminus from Danville to Leaksville,<sup>16</sup> and in that form it was finally passed.<sup>17</sup>

The bitter jealousy of Virginia manifested by certain of the legislators is well illustrated by the fact that while this measure was being discussed in the Senate, an amendment was proposed which would have required the directors of the proposed road to "account for and pay into the Treasury [of the State of North Carolina] twenty-five cents per ton for all freight carried over said road to Virginia."<sup>18</sup>

Thus, after many years of struggle, the citizens of the West had secured the right in two separate charters to build an indirect line of railroad between Greensboro and Danville. This was not entirely satisfactory to them, but it is probable that both roads would have been constructed, had not the attention of the people been drawn

<sup>12</sup> *Greensboro Patriot*, January 21, 1859.

<sup>13</sup> *Greensboro Patriot*, January 28, 1859.

<sup>14</sup> Private Laws of N. C., 1858-59, ch. 161, p. 184; *Greensboro Patriot*, February 18, 1859.

<sup>15</sup> House Journal, 1860-61, p. 72.

<sup>16</sup> *Ibid.*, p. 529.

<sup>17</sup> An Act to incorporate the Greensboro and Leaksville Railroad Company, ratified February 20, 1861, Private Laws of N. C., 1860-61, ch. 132, p. 125.

<sup>18</sup> Senate Journal, 1860-61, p. 384.

just at that time to the vastly more pressing demands of the War Between the States which broke out soon after the second of those charters was secured.

All thought of sectional differences was submerged in the zeal of the people for the greater common cause, and no mention of the Danville Connection was made until late in 1861, when the project received an impetus from a new and rather unexpected source.

The Provisional Congress of the Confederate States of America convened in Richmond on November 18, 1861, and on the following day President Jefferson Davis in his message to the Congress called attention to the importance to the Confederacy of means of transportation. He pointed out that there existed only two main railroad systems from north to south—one from Richmond along the Seaboard, and the other through Western Virginia to New Orleans. A third could be had by building the 50 miles between Danville and Greensboro. This third line would greatly increase the safety and capacity of the existing means of transportation, besides giving access to population and military resources from which the armies were in great measure debarred. The President thought the construction of this line indispensable to the best prosecution of the war. He urged the Congress to encourage its speedy completion by lending the needful aid to a company to be organized for the purpose.<sup>19</sup>

A double fight was now impending. All the old antagonism and sectional feeling in North Carolina were to be again aroused. And when the participation of the Confederate Government in the undertaking was proposed, opposition was immediately incurred from the strong adherents to the principle of state rights and delimitation of the powers of the central government.

In the Confederate Congress so much of the President's message as related to this road was, on November 25, 1861, referred to the Committee on Military Affairs.<sup>20</sup> On December 9 this committee reported "A bill to provide for connecting the Richmond and Danville

<sup>19</sup> President's Message in *Journal of the Congress of the C. S. of A.*, vol. 1, p. 470, 58th U. S. Cong., 2d Sess., Sen. Doc. 234, Washington, 1904. The wisdom of President Davis's contention was later justified. On December 16, 1862, the Federal cavalry made a raid on the Mt. Olive depot on the Wilmington and Weldon road, nine miles south of Goldsboro, tore up the railroad, burned the depot, and cut the telegraph wire. *Greensboro Patriot*, December 18, 1862. Early in July, 1863, Federal troops in a raid tore up the Wilmington and Weldon track for a distance of a quarter of a mile. Other raids occurred in the same month. *Greensboro Patriot*, July 9, 23, 1863. The Wilmington and Weldon was the only through north and south line east of the mountains.

<sup>20</sup> *Journal of the Congress of the C. S. of A.*, vol. 1, p. 477.

and the North Carolina Railroads for military purposes."<sup>21</sup> From that time until February 10, following, a fierce contest was waged over the passage of the bill. Those opposed to the Confederate Government having a hand in building the road used every available means to prevent the bill from becoming a law. It had been made the special order of the day for December 13, and the first victory of the opposition was gained when postponement of its consideration was secured.<sup>22</sup>

In a second message to Congress on December 18, President Davis again urged the construction of this railroad because of the superior safety of its location, and because it would afford additional facilities for the transportation of troops and supplies.<sup>23</sup> But matters dragged along, and the bill did not come up for consideration until January 30, 1862. Those who stood strongest for constitutional limitations renewed their efforts to defeat it. After a number of amendments had been adopted, the question of ordering the bill to be engrossed for a third reading came up. With Toombs of Georgia leading the opposition, Alabama, Georgia, and Florida voted nay. Six states voted in the affirmative, and four were divided. The yeas did not have a majority, and the bill failed to be engrossed for a third reading.<sup>24</sup> Every member from Virginia voted for the bill, while the vote in the North Carolina delegation stood five for and three against.<sup>25</sup>

The next day, January 31, Harris of Mississippi moved to reconsider this vote.<sup>26</sup> But he failed to get a response from his opponents, and February 6 arrived before a vote on his proposal to reconsider could be demanded. At that time he secured a vote postponing the consideration of other business, but a great deal of opposition was met before the motion to reconsider prevailed. Toombs led Alabama, Georgia, and Florida against it. These three states threw every obstruction possible in the way of the passage of the bill. They demanded a vote on whether or not the House would consider the motion to reconsider, and then another vote on whether or not the House would reconsider. The motion to reconsider the bill to charter the railroad was finally passed by a vote of eight to three.<sup>27</sup>

<sup>21</sup> *Journal of the Congress of the C. S. of A.*, vol. 1, p. 548.

<sup>22</sup> *Ibid.*, pp. 548, 566.

<sup>23</sup> *Ibid.*, message at p. 586.

<sup>24</sup> The states voted according to the unit rule.

<sup>25</sup> *Ibid.*, pp. 731-734.

<sup>26</sup> *Ibid.*, p. 737.

<sup>27</sup> *Ibid.*, p. 762-764.



As soon as the bill came up for reconsideration on February 7, 1862, Chilton of Alabama tried to block it by moving indefinite postponement. Again Alabama, Georgia, and Florida voted together. South Carolina was divided. All other states voted against postponement and Chilton's motion was lost.<sup>28</sup> Opponents of the measure then used every parliamentary device to effect its defeat. They failed, and on February 7 the bill was ordered to be engrossed for a third reading.<sup>29</sup>

The bill was finally read a third time and passed, nine states voting in the affirmative. Alabama, Georgia, and Florida voted in the negative, while North Carolina was divided.<sup>30</sup>

This act, signed by the President on February 10,<sup>31</sup> provided for connecting the Richmond and Danville and North Carolina Railroads, but it did not name terminal points. It authorized the President of the Confederacy to contract with any company or companies that were already incorporated or that might be incorporated to build the railroad, or to adopt any other course looking to the construction of the said road in the best interests of the Confederate States. For that purpose \$1,000,000 in Confederate bonds were appropriated.<sup>32</sup>

Three days after the passage of the act, Toombs moved to reconsider the vote by which it had become a law. When that failed, he had spread upon the pages of the journal a protest signed by himself, Crawford, Bass, and Foreman, of Georgia; by Smith and Currie, of Alabama; by Oldham, of Texas; by Morton and Owens, of Florida; and by Rhett, of South Carolina. The substance of the protest was that the Confederate Government derived its power to acquire places for and construct arsenals, forts, dry docks, and so forth, only through the consent of the legislatures of the states in which such works were to be located; that even in the case of these military necessities Congress could not act without the consent of the states. The advocates of the railroad bill had admitted that the constitution of the Confederate States did not give the Congress any express power to pass such an act as the railroad bill, but they had maintained that its passage was necessary and proper in the exercise

<sup>28</sup> *Journal of the Congress of the C. S. of A.*, vol. 1, p. 766.

<sup>29</sup> *Ibid.*, pp. 767, 768.

<sup>30</sup> The N. C. vote was as follows: Yea—Avery, Venable, Morehead, Puryear, Davidson; Nay—Davis, Smith, Ruffin, McDowell, Craige. *Ibid.*, p. 770.

<sup>31</sup> *Journal of the Congress of the C. S. of A.*, vol. 1, p. 784.

<sup>32</sup> An act to provide for connecting the Richmond and Danville and North Carolina railroads for military purposes, C. S. of A. Statutes at Large, Provisional Congress, Sess. V. ch. 67, p. 258.

of certain specifically granted powers. The protestants met this by contending that the road was not a military necessity because no portion of the country to be traversed was more than 25 miles from a railroad, and because existing means of transportation, in their opinion, afforded ample connections. They thought that the benefits of the new road would be purely local. They further declared that the road could not be completed within twelve months, and that by that time it might not be needed for military purposes at all.<sup>33</sup>

A good part of this protest seems to have been somewhat out of place, for the state convention in North Carolina had, on February 8, 1862, passed an ordinance incorporating the Piedmont Railroad Company. Certain men in North Carolina and Virginia who had long favored the construction of the Danville Connection had been disposed from the first to attempt to secure the charter from the North Carolina legislators. They wished to avoid the difficulties that they felt sure would be met with in the Confederate Congress. It appeared that President Davis's recommendation was all that was needed to turn the scales in favor of the road in North Carolina. Thus it happened that while the fight over the charter was being waged in Richmond, a similar fight, waged on quite different issues, however, was taking place in the North Carolina Capital. As early as November 23, 1861, John M. Morehead, a member of the Confederate Congress and an ardent advocate of the Danville Connection, wrote to Judge Thomas Ruffin, a member of the North Carolina Convention of 1861, calling his attention to the recommendation of President Davis relative to the Greensboro-Danville railroad, and pointing out the desirability of having only one company to construct the road.<sup>34</sup>

But even the military needs of the Confederacy were not powerful enough to kill all opposition to the Danville Connection in North Carolina. The easterners still opposed building the road, on the ground that its construction would be a violation of state rights; that it would reduce the profits of the Wilmington and Raleigh and the Raleigh and Gaston Railroads in the East; and that it would

<sup>33</sup> *Journal of the Congress of the U. S. of A.*, vol. 1, protest at pp. 781-782.

<sup>34</sup> Letter of Morehead to Ruffin in the *Ruffin Papers*, Hamilton, vol. 3, p. 194. See also telegram of W. S. Ashe, *ibid.*, p. 202. It will be remembered that two companies had already been chartered, each having the right to build a part of the road. Morehead recommended that the road be run by way of Leaksville, because of what he termed magnificent deposits of coal and iron to be found in that vicinity. A more selfish reason (which he does not state) is probably found in the fact that he owned certain mill property at Leaksville. On this point see Konkle, *John Motley Morehead and the Development of North Carolina*, pp. 103, 356.

interfere with the state's system of public works. Against the third of these objections it was urged that there had never been any *system* in developing the public works of North Carolina. The other two objections seem not to have been potent enough to have required refutation.<sup>35</sup>

When the charter was up before the convention in January and February, 1862, efforts were made to make the southern terminus Lexington and then Company Shops,<sup>36</sup> but both of these proposals were voted down. The ordinance incorporating the Piedmont Railroad Company was finally passed by a vote of 61 to 35. With three exceptions every delegate living west of Raleigh who was present when the final vote was taken voted for the bill.<sup>37</sup>

This ordinance<sup>38</sup> chartered the Piedmont Railroad Company, with a capital stock of \$1,500,000, and empowered it to construct a railroad on the best, cheapest, and most direct and practicable route from the Richmond and Danville Railroad to the North Carolina Railroad. It provided that the company should be organized by a meeting of stockholders as soon as \$100,000 should have been subscribed; that the company should have power to construct one or more tracks, and might construct said tracks within the state of Virginia.

Section 33 provided: "That any one or more of the solvent incorporate railroad companies of the said states [North Carolina and Virginia], and also the Confederate States of America, may subscribe for stock in said company, and should the Confederate States of America subscribe for and take the whole of such stock, or the larger part thereof, power and authority are given to said Confederate States of America to appoint for the time being the whole of the said directors, anything in this ordinance to the contrary notwithstanding, and at once to locate and commence the construction of said road, and hold the stock so taken by them until individuals and corporations shall be prepared to receive an assignment of the same, or any part or parts thereof, as hereinafter provided."

The President of the Confederacy, or such person as should be determined upon by the Confederate authorities, was empowered to appoint four of the nine directors of the company as long as the

<sup>35</sup> *Greensboro Patriot*, January 16, 1862.

<sup>36</sup> Located at the site of the present town of Burlington.

<sup>37</sup> *Greensboro Patriot*, February 13, 1862.

<sup>38</sup> Laws of N. C., 1862-63, Ord. 8, 3d Sess., p. 32.

stock held by the Confederate Government should be over one-half of the total.

The grants of power and authority contained in this ordinance certainly seem to have been sweeping enough to have routed all opposition based upon the contention that the central government could not interfere in matters concerning the individual states without a grant of power from the states involved. Furthermore, inasmuch as a short portion of the proposed road would have to be constructed within the state of Virginia, the North Carolina ordinance contained a provision that the charter should be submitted by the Governor of that State through the Governor of Virginia to the Virginia Legislature for approval. This was done, and on March 18, 1862, the Virginia Assembly ratified the action of the North Carolina convention by an act in which it was stipulated that connection with the Richmond and Danville road should be made south of the Dan River at some point near Danville, unless military conditions should demand that it be made elsewhere.<sup>39</sup>

However, despite these large grants of power, the Confederate Government did not buy stock in the Piedmont company, because of the prevailing opinion that it would be unconstitutional for that government to own the road after it should cease to be a military necessity. Instead, it proposed to lend the \$1,000,000 in bonds to any company that would agree to build the road.<sup>40</sup>

No terminal points were named in the charter. A number of men who before the war had opposed the construction of the Danville Connection now tried to defeat, as far as possible, the plans of the original promulgators, by having the road built between points other than Greensboro and Danville. Among these were William S. Ashe of New Hanover County, and George W. Mordecai, of Wake. The latter was greatly interested in the Raleigh and Gaston Railroad, whose business it was thought the new road would damage. The situation at the time the surveys were being made is shown in the following excerpt from a letter of J. R. McLean, a member of the Confederate Congress, to Ralph Gorrell, of Greensboro:

The whole matter was referred to Mr. Hunter, secretary of state, but before he took action upon it, the regular congress met, and Hunter being senator, of course, was no longer secretary of state, and the matter was referred back

<sup>39</sup> Acts of Assembly of Virginia, 1861-62, ch. 49, p. 71.

<sup>40</sup> *Raleigh Register*, May 21, 1862.



to the secretary of war. If Mr. Hunter had remained in office, I think we could have had fair appointments of directors and surveyors made. He is a very clever man. Sutherland, of Danville, and Harvey, the president of the Danville Road, had great influence with him. Benjamin, though a man of talents, is an unmitigated Jew, and anybody that has the name of Mordecai or Moses has unlimited influence with him. William S. Ashe has the ear of the president and the secretary of war. George Mordecai, Hawkins, Ashe, Swepson, and a host of others have been here; and the result, as might have been expected, was that a Jew, a nephew of Mordecai, was appointed chief surveyor. I understood that when he got to Danville before he had struck a blow at all he was expressing a preference for the lower route.

I got Mr. Buford, the member from Danville in the Virginia legislature, to introduce an amendment to the charter, making Danville a terminus, and their grant of the right of way to the confederate government was passed with that amendment. What effect it will have I do not know.<sup>41</sup>

The surveyor mentioned above was Edmund T. P. Myers, a captain in the Engineers, Provisional Army of the Confederate States. After he had completed the surveys, the first active step toward building the road was taken when he summoned its commissioners to meet in Richmond on April 29, 1862, for the purpose of conferring with the Secretary of War with regard to the construction.<sup>42</sup> At the appointed time the commissioners met at the Exchange and Ballard Hotel, and organized by electing W. T. Southerlin,<sup>43</sup> of Danville, the only Virginian among the commissioners and a high official of the Richmond and Danville Railroad, chairman.<sup>44</sup> Thus it appeared that at last the Richmond and Danville was about to make good in its effort to gain control of a company which would enable it to extend its rail connections into North Carolina.

At the Richmond meeting Captain Myers read the surveys of the road from Danville to Greensboro and from Barksdale depot on the Richmond and Danville to Haw River on the North Carolina Railroad.<sup>45</sup> The logic of Danville and Greensboro as terminal points finally prevailed, partly because these towns were obviously at the ends of the most direct route, and partly because the Richmond and Danville had been wise enough in the pursuit of its own interests to

<sup>41</sup> Letter from J. R. McLean to Ralph Gorrell, in the possession of J. H. Farriss of Greensboro, N. C. It is apparent that McLean, Gorrell, Southerland and Buford wished the road built between Danville and Greensboro, while Ashe, Mordecai, and others favored another, called the lower route. McLean mentions elsewhere in the letter the fact that the Secretary of War was not friendly with Governor Morehead, who also favored the Greensboro-Danville survey.

<sup>42</sup> *Greensboro Patriot*, April 24, 1862.

<sup>43</sup> Note the difference of spelling of the name. This is evidently the same person referred to above as Southerland.

<sup>44</sup> *Ibid.*, May 8, 1862.

<sup>45</sup> *Greensboro Patriot*, May 8, 1862.

construct a bridge over the Dan River at Danville before the charter for the Piedmont Railroad was granted.<sup>46</sup>

It was now decided that the books be opened to receive stock subscriptions after twenty days advertisement, and that a meeting for purposes of organization should be called as soon as \$100,000 of capital stock should be subscribed for and 5 per cent of it paid in.<sup>47</sup> But before a week had passed, the Richmond and Danville Railroad Company, on May 5, 1862, declared its intention of subscribing for 14,900 of the 15,000 shares of Piedmont stock. Three days later, the Secretary of War on behalf of the President of the Confederacy entered into an agreement with that company to lend it the \$1,000,000 worth of Confederate bonds, not to bear interest until 18 months after the Piedmont Railroad should have been completed and put in running order. The Richmond and Danville Company at the same time agreed to give the Confederate Government an equal amount of its bonds to bear interest from the same date.<sup>48</sup>

Thus the Richmond and Danville, realizing its long dream, came into absolute control of the Piedmont Railroad Company, and undertook the immediate construction of the new road. The work, however, proceeded under the direction of the War Department of the Confederacy, represented by Captain Myers as chief engineer. As early as May 22, 1862, President Harvie of the Richmond and Danville was advertising for laborers. In July, Captain Myers began to call for proposals for grading, masonry, bridging, etc., advising bidders to apply either to his office or to the office of the Richmond and Danville Railroad Company.<sup>49</sup>

Late in the year the contract for building the road was let to Edmund Wilkes & Brother. That firm graded the entire line with the exception of five miles, built the masonry and trestle work, and laid about fifteen miles of track.<sup>50</sup> By early October, 1862, a mile or more of the grading had been done, and with the number of hands employed on the work soon to be increased to 1,500 the grading of the entire

<sup>46</sup> *Greensboro Patriot*, April 10, 1862.

<sup>47</sup> *Greensboro Patriot*, May 8, 1862.

<sup>48</sup> Letter of Governor Pierpont of Virginia to Sec. of Treas. of U. S., dated September 26, 1865, in *Proceedings of the Stockholders of the Piedmont Railroad Company at their fourth, fifth, and sixth annual meetings*, Richmond, 1867, p. 16.

<sup>49</sup> *Greensboro Patriot*, May 22; July 10, 1862; *Richmond Enquirer*, July 3, 1862, and thereafter.

<sup>50</sup> Affidavit of Edmund Wilkes in *Proceedings of the Stockholders of the Piedmont Railroad*, op. cit., p. 20. This Wilkes appears to have been in 1866 superintendent of the North Carolina Railroad at Greensboro. See *ibid.*, p. 11.

roadbed was expected to be finished by May 1, 1863.<sup>51</sup> Due to the demands of the war it was very difficult to secure laborers. Late in 1861, before the Piedmont was chartered, a member of the Legislature of South Carolina declared that the sea island planters of that state would furnish negroes to grade the road in double quick time. It is probable that a number of such laborers were actually used, although this does not appear certain.<sup>52</sup>

Despite the handicaps under which the construction was carried on, the work proceeded with a fair degree of celerity under the directions of the contractors, who were termed enterprising and energetic men.<sup>53</sup> However, nearly a year passed before any rails were laid. By the middle of September, 1863, rails had been laid on the 15 miles of track south from Danville, and it was thought that within a month the road would be finished to Reidsville, when passenger trains would be put on.<sup>54</sup> Early in October, 1863, the *Robert E. Lee*, an engine reported to have been captured by the Confederate forces from the Baltimore and Ohio Railroad, made a trial trip over the track already finished south of Danville. The work was reported to have been well done and a tribute to the skill of Captain Myers, the chief engineer.<sup>55</sup>

On November 11, 1863, track laying from Greensboro northward began, and within a few weeks the entire road was opened from Greensboro to Danville.<sup>56</sup>

It was to be expected that many visible evidences of hasty and faulty construction would be found. Not a few of the grades were too steep for heavy trains.<sup>57</sup> Between Danville and Pelham the survey had called for a high grade line that was necessary in order to obviate blasting, for which the proper explosives could not be had.<sup>58</sup> While the road was being built the engineers in charge could not get enough crossties to lay the track between Danville and Reidsville, and consequently the ties available were laid at a greater distance

<sup>51</sup> *Greensboro Patriot*, October 16, 1862.

<sup>52</sup> See letter of J. M. Morehead to Judge Ruffin, dated November 23, 1861, in *The Ruffin Papers*, vol. 3, p. 194.

<sup>53</sup> *Greensboro Patriot*, November 6, 1862.

<sup>54</sup> *Greensboro Patriot*, September 24, 1863.

<sup>55</sup> *Ibid.*, October 15, 1863.

<sup>56</sup> *Greensboro Patriot*, November 12, 1863.

<sup>57</sup> Reports of the Richmond and Danville Railroad Company, 1865-70, p. 77, paged consecutively.

<sup>58</sup> President's Report in *ibid.*, p. 371. Also, Report of Committee on Examination, *ibid.*, p. 388; both 1869.

apart than was desirable. It was estimated that 10,694 ties were needed to make up the deficiency.<sup>59</sup>

One of the greatest difficulties encountered in the construction of the road was that of securing iron. The Southern States before 1860 had few iron mills. Before the war practically all of the rails used on roads in that section came from Europe or from the industrial states of the East. Both of those avenues of supply were closed during the war, and the iron mills of the South were scarcely able to supply the needs of the fighting forces, not to mention the making of railroad iron. Since the Piedmont Railroad was being built as a military necessity, the Confederate Government procured the necessary iron by impressment from other and less important railroads already built. The major part of it came from the Roanoke Valley road, running from Clarksville to the Raleigh and Gaston Railroad, and from the Atlantic, Tennessee, and Ohio, running from Charlotte to Statesville, North Carolina.<sup>60</sup> Other roads that were partially or wholly wrecked for this purpose were the Richmond and York River Road, the Seaboard and Roanoke, and the Manassas Gap Railroad.<sup>61</sup>

During the war all the southern roads were nominally operated by the companies owning them, but they were more or less controlled by the Confederate authorities, who used them whenever military necessity demanded. In cases where certain roads were dismantled to secure iron for other roads the control amounted to duress or even to violence. It was under conditions of complete military control that the Piedmont Railroad was operated during the short period of fifteen months just preceding the close of the war.<sup>62</sup>

It has already been noted that the construction of the road was in large measure due to the recommendation of President Davis of the Confederacy. It is interesting to note at this point that it was over the Piedmont Railroad that Davis made his escape from Richmond by way of Danville to the South after Lee's surrender.<sup>63</sup>

<sup>59</sup> None of these ties appears to have been put in before the close of the war, but by October 1, 1866, 8,294 such ties had been placed in the track. Reports of the Richmond and Danville Railroad Company, p. 178.

<sup>60</sup> *Proceedings of the Stockholders of the Piedmont Railroad*, p. 11.

<sup>61</sup> Select Committee on Southern Railroads, 40th U. S. Cong., 2d Sess., 1868. Testimony of A. S. Buford, pp. 1, 2. In House Report No. 3. See also Report of the Joint Committee of the General Assembly of the State of N. C. on the Title and Property of the Piedmont Railroad, 1866.

<sup>62</sup> Select Committee on Southern Railroads, pp. 1, 2.

<sup>63</sup> *A Short History of the Confederate States of America*, Davis, p. 486. "The Capture of Jefferson Davis," *Century*, November, 1883.



Immediately upon Lee's surrender, April 9, 1865, the United States Treasury authorities formally seized the Piedmont Railroad on the theory that it was the property of the Confederate Government and hence subject to confiscation. This action was probably taken because it was generally known that the road had been built during the war as a military necessity, and because certain iron taken by impressment from other roads had been used in its construction.<sup>64</sup>

Of course, this seizure of their property was resented by the Richmond and Danville Company, which owned ninety-nine one hundredths of the stock of the Piedmont Company. At their regular meeting on September 13, 1865, the stockholders made vehement protest against the action of the Federal Government, and called upon the board of directors to take the proper steps to have the road restored to its rightful owner.<sup>65</sup> Three days later, Hugh McCulloch, then Secretary of the Treasury, wrote letters to Governors Holden of North Carolina and Pierpont of Virginia, calling their attention to the situation and inviting suggestions.<sup>66</sup> The result of this action on McCulloch's part was the appointment of John Minor Botts, of Virginia, and Dr. T. J. Powell, of North Carolina, to be commissioners with instructions to lay before the treasury authorities the facts as to the material interest and concern that citizens of the two states had in the Piedmont Railroad. These commissioners, acting in coöperation with the president and two directors of the Richmond and Danville Company, went to Washington, and presented documentary evidence tending to show that the Piedmont had been built by a private corporation with private funds, and that the Confederacy had had no more to do with the road than with any other road whose services it had conscripted during the war.<sup>67</sup>

The outcome of the whole matter depended upon the ability of the claimants to prove absence of proprietorship on the part of the Confederate Government. It will be remembered that when the Richmond and Danville Company proposed to subscribe for practically the whole of the capital stock of the new road, the Confederate Government had agreed to lend to that company the sum of \$1,000,000

<sup>64</sup> Select Committee on Southern Railroads, pp. 1-7. Also, Reports of the Richmond and Danville Railroad Company, p. 16.

<sup>65</sup> Reports of the Richmond and Danville Railroad Company, pp. 8, 9.

<sup>66</sup> Records of Investigation by the U. S. Treasury Authorities, in *Proceedings of the Stockholders of the Piedmont Railroad Company*, p. 14. Hereafter referred to as Record of Investigation.

<sup>67</sup> Record of Investigation, p. 14. Select Committee on Southern Railroads, pp. 1-7.

in bonds. It had been the intention of both parties to put these bonds on the market, but when the time came to raise the money, Confederate bonds had depreciated so much in value that the Richmond and Danville Company, on May 13, 1863, decided to issue its own bonds instead.<sup>68</sup> That course was pursued, and of the bonds so issued \$826,000 remained outstanding in January, 1866.<sup>69</sup>

Two installments of interest, aggregating \$82,000, on the Confederate bonds were paid to the Richmond and Danville Company, but these amounts were passed to the credit of the Confederate Government which owed that company sums for transportation far in excess of \$82,000.<sup>70</sup>

T. T. Giles, counsel for the Richmond and Danville Company from its organization, stated that the contract of May 8, 1862, "was virtually abrogated by the mutual consent of the parties before the evacuation of the city of Richmond,"<sup>71</sup> while an investigating committee in North Carolina stated without qualification that some time in 1864 the arrangement for the loan of bonds by the Confederate Government was canceled by mutual agreement of the parties.<sup>72</sup>

These facts were sufficiently powerful to lead the Washington authorities to the conclusion that the Government of the United States could not claim the Piedmont Railroad as captured property under the acts of Congress. Accordingly, there was transmitted to H. A. Risley, Supervising Special Agent, an order signed by Hugh McCulloch, Secretary of the Treasury, and Andrew Johnson, President of the United States, directing him to release and turn over the Piedmont line with its rolling stock, equipment, etc., to the Piedmont Railroad Company and the Richmond and Danville Railroad Company upon the following conditions: (1) That they assume and

<sup>68</sup> Record of Investigation, p. 16.

<sup>69</sup> Report of the Joint Committee of the General Assembly of the State of N. C. on the Title and Property of the Piedmont Railroad, 1866.

<sup>70</sup> *Ibid.* Also, Record of Investigation, p. 16. It will be remembered that the original agreement specified that the Confederate bonds should not bear interest until 18 months after the road should have been completed and put in running order, and the interest payments mentioned above were, of course, made before that period of time had elapsed. But this agreement contemplated the giving of \$1,000,000 of R. and D. bonds to the C. S. of A., to bear interest from the same date. When, instead the R. and D. bonds were put on the market, interest charges on them began at once; and it thus appears that the C. S. of A. began paying interest to the R. and D. at the same time. This line of reasoning would explain why interest payments were made to the R. and D. by the C. S. of A. before the 18 months had passed.

<sup>71</sup> Record of Investigation, p. 20.

<sup>72</sup> Report of the Joint Committee of the General Assembly of the State of N. C. of the Title and Property of the Piedmont Railroad, 1866. Whether these Confederate bonds were ever actually delivered to the Richmond and Danville Co. does not appear. However, this point is immaterial. They are supposed to have been burned in the Richmond fire of April 3, 1865. *Ibid.*

pay all expenses incurred by the Federal Government during its control of said line, after deducting all receipts, so that the Federal Government sustain no loss on account of its temporary possession of the property. (2) That they restore to all southern railroad companies having such claims all iron, rolling stock, and other property taken by the Confederate Government and placed on the Piedmont, or else make satisfactory adjustment for the same. (3) That a good and sufficient bond be given to guarantee the discharge of these obligations and to indemnify the United States against any claims or suits that might grow out of the period of Federal control of the property.<sup>73</sup>

Some delay followed, and the road was not finally turned over to its rightful owners until December 9, 1865. On the day of the release the officers and directors of the two companies involved were required to give personal bond to the United States Government in the rather excessive amount of \$500,000 as security for carrying out the conditions mentioned above.<sup>74</sup>

During the period of Federal control the receipts of the Piedmont Company had been sufficient to cover all expenditures, despite the fact that freedmen and disabled and indigent persons connected with the army had been transported free of charge, as well as the United States mails.<sup>75</sup> Thus it happened that there were no obligations to be assumed under the first condition of release.

There were, however, numerous claims coming under the head of the second condition. Section 31 of the North Carolina act incorporating the Piedmont Railroad Company specified that the gauge of the road should be the same as that of the North Carolina Railroad, which was 4 feet 8½ inches. The gauge of the Richmond and Danville was 5 feet. Hence it was impossible to use Richmond and Danville equipment on the Piedmont. At the end of the war there was nothing but temporary equipment on the Piedmont. The Piedmont Company had purchased from other roads one or two inferior locomotives, which, together with 30 or 40 cars, comprised all of the rolling stock turned back by the Federal Government at the time of the release. The value of the entire list of the rolling stock did not exceed \$40,000.<sup>76</sup> Some rolling stock had been rented from other

<sup>73</sup> McCulloch's Order in Record of Investigation, pp. 23, 24.

<sup>74</sup> Bond in Record of Investigation, pp. 27, 28. See also Select Committee on Southern Railroads, pp. 3, 7.

<sup>75</sup> Record of Investigation, pp. 25, 26, 29.

<sup>76</sup> Select Committee on Southern Railroads, p. 6.

roads, and some so rented had been destroyed or worn out while in the hands of the Piedmont. All such claims had to be met, in addition to those for rails, spikes, etc., secured from other roads and used in the construction and maintenance of the Piedmont. Down to November 7, 1866, the Richmond and Danville had paid or assumed the following claims against the Piedmont Company:

<i>Company</i>	<i>For</i>	<i>Amount</i>
Richmond, Fredericksburg, and Potomac .....	Rails, spikes, chairs.....	\$ 22,407.30
Seaboard and Roanoke.....	Rails, spikes, chairs.....	30,294.00
Seaboard and Roanoke.....	Rent and repairs of stock.....	23,139.52
Richmond and York River.....	Rails, spikes, chairs, car rent....	92,721.78
Roanoke Valley .....	Rails, spikes, chairs.....	162,400.89
Atlantic, Tennessee and Ohio.....	Rails, spikes, chairs.....	49,401.47
Manassas Gap .....	Car rent and transfer.....	6,039.79
Total paid and assumed.....		\$386,404.75

In addition to the above, many small claims arising prior to the restoration of the road had been settled. Others remained unsettled.<sup>77</sup>

When the Piedmont was turned back to its owners in December, 1865, its roadbed was in a very dilapidated condition. Having been of necessity rather faultily constructed in the first place, the road had consistently deteriorated during the war, due to the difficulty of procuring supplies and materials for upkeep. The ditches had not been cleaned out, and mud and water actually covered the rails in many places. During the war, when great numbers of the crossties decayed, they were replaced by ties taken out of the turnouts, the decayed ties being put in the turnouts. The same thing was done when extremely defective rails were found in the main track. The result was that the turnouts were unsafe and would bear the passage of a train only at great risk.<sup>78</sup> At the close of the war the running time of passenger trains over the fifty miles from Greensboro to Danville was five hours. However, a force of men was put to work on the road during the period of Federal control, and their labors resulted in so improving the roadbed that this running time was reduced to three hours.<sup>79</sup>

The Richmond and Danville thus found itself in possession of a more or less dilapidated and wornout property. But if the Piedmont

<sup>77</sup> *Proceedings of the Stockholders of the Piedmont Railroad*, p. 11.

<sup>78</sup> Reports of the Richmond and Danville Railroad Company, p. 101.

<sup>79</sup> Letter of H. A. Risley in Record of Investigation, p. 29.



possessed nothing more, it possessed a location which the Richmond and Danville had been seeking for two decades. The Richmond and Danville owned 99 per cent of the stock of the Piedmont, and it had paid or assumed claims against it amounting to nearly half a million dollars. It had a tremendous interest in making the Piedmont profitable, and the chaotic business conditions that followed the war made it imperative that it be made profitable at once. But the Piedmont was practically destitute of rolling stock, and the difference in gauge made it impossible to use Richmond and Danville equipment, in addition to making it necessary to break bulk on all traffic at Danville. The most urgent need of the controlling company, then, was to secure a uniformity of gauge between the Piedmont and its own road.<sup>80</sup>

To do this required an amendment to the North Carolina charter. Toward the close of the war this uniformity of gauge had appeared so advisable that the General Assembly had passed an act on February 7, 1865, providing that the gauge of the Piedmont might be changed to make it correspond with that of the Richmond and Danville, on condition that the original gauge should be restored within six months after the termination of the war, upon penalty of forfeiture of the charter.<sup>81</sup> However, the change had never been made, and this law obviously did not affect the situation after the war was over.

The Virginia law makers, always favorable to the plans of the Richmond and Danville for extension into Carolina territory, on December 15, 1865, passed an act authorizing the Piedmont, by and with the consent of the Legislature of North Carolina, to change its gauge to correspond with that of the Virginia road,<sup>82</sup> and upon the submission to the Legislature of a favorable report on the title and property of the Piedmont<sup>83</sup> the way was opened for the passage of a similar law in North Carolina, which was done on February 1, 1866.<sup>84</sup> A force of men was, therefore, put to work on February 10, 1866, changing the gauge. Four days later the first trains ran through from Richmond to Greensboro.<sup>85</sup>

While the Piedmont was still in the hands of the Federal Government the directors of the Richmond and Danville had seen the possi-

<sup>80</sup> Reports of the Richmond and Danville Railroad Company, p. 17.

<sup>81</sup> Public Laws of N. C., Adj. Sess. of 1865, ch. 13, p. 54.

<sup>82</sup> Acts of Assembly of Virginia, 1865-66, ch. 121, p. 220.

<sup>83</sup> Report of the Joint Committee of the General Assembly of the State of N. C. on the Title and Property of the Piedmont Railroad, 1866.

<sup>84</sup> Private Laws of N. C., Sess. 1866, ch. 56, p. 129.

<sup>85</sup> Reports of the Richmond and Danville Railroad Company, p. 75.

bility of effecting certain economies in operation by securing a lease of the Piedmont property, and on September 12, 1865, the stockholders had authorized the directors to secure a lease for 12 months "as a measure of retrenchment in the expenses of this company."<sup>86</sup> Of course, no difficulty attached to the securing of the consent of the Piedmont Company, since the owners and officers of the two corporations were practically identical.<sup>87</sup> Authority to consummate the lease was granted the Richmond and Danville by an act of the Virginia Assembly on February 15, 1866,<sup>88</sup> and on the same day a formal lease for 12 months was executed at a rental of \$75,000. Five days later the entire line from Richmond to Greensboro began to be operated by the Richmond and Danville Company.<sup>89</sup>

With the gauge of the Piedmont changed to make it conform to that of the Richmond and Danville, the latter's equipment began to be used almost altogether on the shorter line. On September 30, 1866, the Piedmont possessed rolling stock of its own as follows:

Second class passenger cars.....	2
Box freight cars.....	21
Platform cars .....	17
One locomotive, the <i>Roanoke</i> .	
One old locomotive, dismantled. <sup>90</sup>	

Of the above equipment, ten box cars and three platform cars were delivered to other companies to replace cars rented from them and destroyed while in the hands of the Piedmont. Eleven box cars and seven platform cars were sold to the Virginia Central Railroad on account due that company for rent of engines and cars. The remainder of the cars, together with the old locomotive, were turned over to the Richmond and Danville at a fair valuation. The one locomotive, the *Roanoke*, was so small that it could not be disposed of readily. It was reported on hand September 30, 1867.<sup>91</sup>

The Richmond and Danville now set out to make some important and much needed improvements in the Piedmont road. By September 30, 1866, more than 8,000 new ties had been placed in the track,<sup>92</sup> and a committee on examination reported that the property

<sup>86</sup> Reports of the Richmond and Danville Railroad Company, p. 7.

<sup>87</sup> *Proceedings of the Stockholders of the Piedmont Railroad*, pp. 5, 6.

<sup>88</sup> Acts of the Assembly of Virginia, 1865-66, ch. 213, p. 334.

<sup>89</sup> Reports of the Richmond and Danville Railroad Company, p. 75.

<sup>90</sup> *Proceedings of the Stockholders of the Piedmont Railroad*, p. 33.

<sup>91</sup> *Ibid.*, pp. 47, 48.

<sup>92</sup> Reports of the Richmond and Danville Railroad Company, Superintendent's Report for 1866, at p. 178.

was in excellent condition, having a solid roadbed with heavy rail. The only remaining visible evidence of hasty or faulty construction was the fact that some of the grades were a little too steep for heavy trains.<sup>93</sup>

One of the greatest difficulties under which the Piedmont had to labor was that of inadequate facilities for interchange of traffic with the North Carolina Railroad at Greensboro. The difference in the gauge of the two roads made necessary the breaking of bulk on all through traffic at Greensboro, and down to 1866 no actual physical connection of the two had been made. On April 7, 1866, however, an agreement was made through Edmund Wilkes, Superintendent of the North Carolina Railroad, for an enlargement and convenient arrangement of tracks and construction of joint depots and passenger sheds to care for the joint traffic at Greensboro,<sup>94</sup> which arrangements were completed early in 1867 at a cost of \$24,778.<sup>95</sup>

The North Carolina Railroad had always been hostile to the Richmond and Danville, but with the completion of the new joint facilities the interests of the two companies began to appear more and more identical. Accordingly, the Richmond and Danville was able to secure much more desirable connections for passenger trains at Greensboro. The necessity for breaking bulk on freight shipments seemed much harder to remove. To obviate this difficulty trucks for freight cars were designed which were adjustable to different gauges.<sup>96</sup> But these do not appear to have been successful, for the interruption of through traffic was thereafter as serious a problem as before.<sup>97</sup>

It will be remembered that in addition to making these improvements the Richmond and Danville had paid or assumed war claims against the Piedmont amounting to approximately \$400,000. The Piedmont thus came to be heavily indebted to the Richmond and Danville. The following is a statement of the proprietorship of the Richmond and Danville in the Piedmont on September 30 of the years indicated:<sup>98</sup>

<sup>93</sup> Reports of the Richmond and Danville Railroad Company, p. 77.

<sup>94</sup> *Proceedings of the Stockholders of the Piedmont Railroad*, p. 11. This agreement is given at p. 44.

<sup>95</sup> *Ibid.*, pp. 12, 48. Reports of the Richmond and Danville Railroad Company, p. 178. A description of the new connections at Greensboro is given in Superintendent's Report, *ibid.*, p. 203.

<sup>96</sup> Reports of the Richmond and Danville Railroad Company, p. 372.

<sup>97</sup> *Ibid.*, p. 468.

<sup>98</sup> Taken from Auditor's Reports for years indicated, found in Reports of the Richmond and Danville Railroad Company, at pp. 96, 197, 289, 379, and 479, respectively.

	<i>Stock Owned</i>	<i>Balance due R. &amp; D.</i>
1866.....	\$1,488,500	\$202,575.70
1867.....	1,488,500	403,208.84
1868.....	1,488,500	186,263.01
1869.....	1,488,500	190,941.38
1870.....	1,488,500	205,269.11

The above table does not give a complete view of the financial relationship between the two companies, for the indebtedness of the Piedmont to the Richmond and Danville was funded in 1868 by an issue of \$500,000 eight per cent mortgage bonds due in 1888.<sup>99</sup> These bonds at their maturity were refunded and supplanted by a first and second mortgage issue, each of \$500,000 and each bearing six per cent interest, due in 1928.<sup>100</sup>

From the standpoint of immediate financial returns the Piedmont proved quite disappointing to its owners. It had been believed that the completion of the new terminal facilities at Greensboro and the revival of agriculture after the war would cause the company's revenue to increase to a profitable figure.<sup>101</sup> Two years later, however, the business of the Piedmont had not come up to what the owners knew must ultimately be realized to make the road profitable.<sup>102</sup> By the end of the fiscal year in 1869 substantial increases in the business of the Piedmont could be noted, and attention was being directed to the importance of the road as a link in through traffic routes to the South. However, its business had not at that time increased to such a point as to warrant changing the survey between Danville and Pelham, where a high grade line had been originally built.<sup>103</sup> The future of the road as a part of a through route depended, of course, upon securing such favorable arrangements with the North Carolina Railroad Company as would permit the unrestrained flow of traffic from the South into Richmond. Although consistent efforts to that end were made,<sup>104</sup> they were not fully accomplished, until the Richmond and Danville leased the North Carolina Railroad in the early seventies.

<sup>99</sup> Report of Railroad Commissioner of Virginia, 1887.

<sup>100</sup> Report of Railroad Commissioner of Virginia, 1890, especially pp. 458ff.

<sup>101</sup> *Proceedings of the Stockholders of the Piedmont Railroad*, p. 12.

<sup>102</sup> Reports of the Richmond and Danville Railroad Company, p. 282.

<sup>103</sup> Reports of the Richmond and Danville Railroad Company, pp. 371, 388.

<sup>104</sup> *Ibid.*, p. 468.



Until that important arrangement was made, the Piedmont was never profitable. Only the scantiest statistics are available as to the business done by that road before the close of the war, for most of the records of the company were destroyed in April, 1865, or else they were widely scattered.<sup>105</sup> However, it does appear that after deducting \$1,013,149.78 due to the Piedmont from the Confederacy, and after reducing its income to terms of national currency, the Piedmont had, up to April 1, 1865, received (gross) from transportation the sum of \$21,289.64, for a period of fifteen months. Of course, the actual business done was much larger than is indicated by these figures, since so much transportation was furnished the Confederate Government for which the Piedmont received no compensation. From April 1, 1865, when Federal control was being considered as beginning, to February 20, 1866, when the road began to be operated by the Richmond and Danville under lease, the gross receipts from transportation amounted to \$23,162.79.<sup>106</sup>

After February 20, 1866, no separate figures as to Piedmont traffic and revenue are available. From that date the accounts and records of the Piedmont and the Richmond and Danville Companies were kept together. The following figures show the aggregate traffic of the two roads, 1866-1870:<sup>107</sup>

Year Ending Sept. 30	Ton Miles		Passenger Miles	
	Total	Per Miles of Line	Total	Per Miles of Line
1866-----	4,169,028	21,942	4,169,289	21,944
1867-----	5,924,892	31,184	4,106,368	21,612
1868-----	6,123,789	32,230	4,086,393	21,507
1869-----	6,271,192	33,006	4,860,625	25,582
1870-----	7,545,929	39,715	6,698,740	35,256

While the above figures do not show any phenomenal growth in traffic, they do show a gradual and healthy growth in freight tonnage,

<sup>105</sup> Letter of E. A. Barber, auditor of the Piedmont Railroad Co., to Kemp P. Battle, dated February 27, 1866. MS. in library of University of N. C.

<sup>106</sup> Auditor's Report in *Proceedings of the Stockholders of the Piedmont Railroad*, p. 52.

<sup>107</sup> Annual Reports of Superintendent for years indicated, in Reports of the Richmond and Danville Railroad Company, 1865-70.

and the growth was probably as rapid as could be expected in consideration of the post war condition of the Southern States. Shortly after 1870 the entire transportation problem of the Richmond and Danville was changed by the inclusion of the North Carolina Railroad in that system, and figures later than 1870 are of little value as an aid to the separate study of the Piedmont.

The disappointing volume of traffic developed on the Piedmont line necessitated a change in the terms of the lease to the Richmond and Danville. Accordingly, the original one year lease was, at the time of its expiration, extended for a period of five years, the annual rental being changed from \$75,000 to \$45,000.<sup>108</sup> When that lease expired on February 20, 1872, a third agreement was entered into, giving the Richmond and Danville a lease for a period of seven years. The contract, however, contained a clause providing for its modification at any time by the mutual agreement of the two companies. A little later the lease was so modified as to grant the Richmond and Danville the right to the use of the properties and franchises of the Piedmont Railroad Company for eighty-six years from and after February 20, 1874.<sup>109</sup> It was under that lease that the line was operated until the company was consolidated with Southern Railway Company in the middle nineties.<sup>110</sup>

The annual rental under that agreement was fixed at \$60,000, exactly the amount required to pay the yearly interest charges on the bonds of the Piedmont Company; hence that company as a separate corporation could show no profits. Of course profits from the operation of the road did materialize, but they were reflected in the reports of the Richmond and Danville Company, which reaped the benefits.

It thus appears that since the Civil War the Piedmont Company has had no integrity of its own. Its corporate existence was not kept up by meetings of the stockholders. It was regarded simply as a part of the Richmond and Danville system. Its separate existence, then, was hardly more than a fiction,<sup>111</sup> and to trace its history further,

<sup>108</sup> Reports of the Richmond and Danville Railroad Company, p. 190.

<sup>109</sup> Report of Railroad Commissioner of Virginia, 1892, p. 376.

<sup>110</sup> See Poor's Manual, 1897, pp. 761ff.

<sup>111</sup> Report of Railroad Commissioner of Virginia, 1890, pp. 458ff. Investigation of the Senate Committee on Internal Improvements Relative to Senate Bill No. 184, N. C. Legislative Documents, 1881, pp. 26, 65, *et passim*.

would, in addition to being quite inconclusive, involve a discussion of all of the operations of the Richmond and Danville Company. It may simply be noted that the real importance of the Piedmont Railroad came in connection with its use as a part of a through route to the South, when the Richmond and Danville gained control of roads extending from Greensboro, North Carolina, to Atlanta, Georgia.

# SOME NORTH CAROLINA TRACTS OF THE 18TH CENTURY: VIII & IX

BY WILLIAM K. BOYD, *Duke University*

## VIII

HERMON HUSBAND'S "AN IMPARTIAL RELATION OF THE FIRST RISE  
AND CAUSE OF THE RECENT DIFFERENCES IN PUBLIC AFFAIRS,"  
ETC. (1770).

### INTRODUCTION

Husband's *Impartial Relation* is undoubtedly the best account of the grievances of the Regulation by a contemporary who was identified with the movement. Though often quoted and cited, only one copy of the pamphlet is known to exist, which is in the collections of the John Carter Brown Library of Providence, Rhode Island. By courtesy of that institution it is here reprinted. However the name of the publisher and the press from which it appeared are as yet unknown.



An Impartial

# RELATION

OF THE

First Rise and Cause

OF THE

RECENT DIFFERENCES,

IN

PUBLICK AFFAIRS,

In the Province of *North-Carolina*; and of the past *Tumults* and *Riots* that lately happened in that Province.

Containing most of the true and genuine Copies of *Letters, Messages, and Resolutions*, between the Parties contending. — By which any impartial Man may easily see the true Ground and Reasons of the Contention that universally reigns all over the Province in a more or less Degree.

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Printed for the Compiler, 1770.

TO THE  
R E A D E R

*The Author does not think it necessary to set his Name to this Work, as it contains Copies of such Letters and Papers that passed between the Parties at Difference, with Minutes of what passed at several Courts, in View and Hearing of the Public; and other Matters of Fact, that are so well known in that Province (for whose use it is chiefly designed) that the Truth of the Whole, I presume, cannot be attempted at to be denied. But if it should happen otherwise, this I am sure of, that I never can be convicted in myself of wilfully or knowingly either to have concealed or set forth one Untruth. And likewise, that I have been so well acquainted with the whole Affair, that I think no one Man in the [4] Province could give a better Relation of the Matter.*

*It would exceed the Bounds of what I could be able to pay for Printing to give a Copy of all the Papers, as there were so many Persons on each Side employed in Writing, and addressing the Inhabitants, in order to gain the strongest Party. But such, and so many of them as were signed by, and in the Name of the Body of the People, who assembled in publick Council, and such as were written to them again by public Authority, I have not omitted any that I could procure the Copies of. And such as I heard of, but could not procure the Copies, I have mentioned in their Order.*

*I shall add no farther Preface or Apology to this Work, but submit the same, in Confidence that my Aim is the Good of all, and every honest Man, and the Detection of Hypocrites and Rogues of the worst Sort, who rob and plunder Provinces, under Colour of Law and authority, to administer Justice.*

An Impartial

# RELATION

OF THE

## First Rise and Cause

OF THE

### Present Differences in Publick Affairs in the Province of *North- Carolina, &c.*

In Orange County the first Disturbance is generally ascribed to have arisen; but *Granville and Halifax* Counties were deeply engaged in the same Quarrel many Years before *Orange*: So that it may be necessary to give a few Paragraphs out of some of their Papers, to shew, that it was the same Grievance and Oppression that incensed all the Counties, without corresponding with each other. ———For though *Granville* County had been at War, as it were, some Years before the Disturbance in *Orange*, yet we never heard of it till it broke out in *Orange*.

[6] The Paragraphs in the *Granville* Paper runs as follow,

<sup>1</sup> “A serious Address to the Inhabitants of *Granville* County, containing a brief Narrative of our deplorable Situation by the “Wrongs we suffer,——

“And some necessary Hints, with respect to a Reformation.

“*Save my Country, Heavens, shall be my last.*—Pope.

Then, after treating on the Nature of Law in general, and of our Constitution, in Praise of it, he proceeds thus.——

“Well, Gentlemen, it is not our Form or Mode of Government, nor yet the Body of our Laws that we are quarreling with, but with the Malpractices of the Officers of our County Court, and the Abuses

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<sup>1</sup> For complete text of this Address see the preceding number in this selection of documents.

that we suffer by those that are impowered to manage our publick Affairs: This is the Grievance, Gentlemen, that demands our serious Attention.——And I shall,

“Thirdly, Shew the notorious and intolerable Abuses that has crept into the Practice of the Law, in this County, and I doubt not but into other Counties also; though that does not concern us. In the first Place, there is a Law that provides that a Lawyer shall take no more than Fifteen Shillings for their Fee in the County Court.——Well, Gentlemen, which of you has had your Business done for Fifteen Shillings? They exact Thirty for every Cause: And Three——Four—— and Five Pounds\* for every Cause attended with the least Difficulty, and laugh at us for our Stupidity and same Submission to these D—m—d, &c.”

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*\* Their Fees in our Superior Courts is almost as many Hundreds.*

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[7] Another Paragraph runs thus in Substance.

“A poor Man is supposed to have given his Judgment Bond for Five Pounds; and this Bond is by his Creditor thrown into Court.——The Clerk of the County has to enter it on the Docket, and issue Execution, the Work of one long Minute, for which the poor Man has to pay him the trifling Sum of Forty-one Shillings and Five-pence.——The Clerk, in Consideration he is a poor Man, takes it out in Work, at Eighteen-pence a Day.——The poor Man works some more than Twenty-seven Days to pay for this one Minute’s Writing.

“Well, the poor Man reflects thus,——At this Rate, when shall I get to Labour for my Family? I have a Wife and Parcel of small Children suffering at Home, and here I have lost a whole Month, and I don’t know for what; for my Merchant is as far from being paid yet as ever.——However, I will go Home now, and try and do what I can.——Stay, Neighbour, you have not half done yet,——there is a D——d Lawyer’s Mouth to stop yet;——for you impowered him to confess that you owed this Five Pounds, and you have Thirty Shillings to pay him for that, or go and work nineteen Days more; and then you must work as long to pay the Sheriff for his Trouble; and then you may go home and see your Horses and Cows sold, and all your personal Estate, for one Tenth Part of the Value, to pay off your Merchant. And lastly, if the Debt is so great,



that all your personal Estate will not do to raise the Money, which is not to be had,——then goes your Lands the same way to satisfy these cursed hungry Caterpillars, that will eat out the very Bowels of our Common-wealth, if they are not pulled down from their Nests in a very short time.——And what Need, I say, to urge a Reformation.——If these Things were absolutely according [8] to Law, it were enough to make us throw off all Submission to such tyrannical Laws; for were such Things tolerated, it would rob us of the Means of Living; and it would be better to die in Defence of our Privileges than to perish for want of the Means of Subsistence.——But as these Practices are contrary to Law, it is our Duty to put a Stop to them before they quite ruin our County, or that we become willing Slaves to these lawless Wretches, and hug our Chains of Bondage, and remain contented under these accumulated Calamities.

“Oh, Gentlemen, I hope better Things of you.——I believe there are few of you but has felt the Weight of those Iron Fists.——And I hope there are none of you but will lend a Hand towards bringing about this necessary Work; and in order to bring it about effectually, we must proceed with Circumspection; not fearful, but careful.

“1st. Let us be careful to keep sober,——nor do nothing rashly,——but act with Deliberation.

“2dly. Let us do nothing against the known established Laws of our Land, that we appear not as a Faction, endeavoring to subvert the Laws, and overturn the System of our Government;——But let us take Care to appear what really we are, Free Subjects by Birth, endeavoring to recover our lost native Rights, of reducing the Malpractices of the Officers of our Court down to the Standard of our Law.”

This Paper was large, and deserved to have been printed at Length, but my Ability would not afford it.——It was dated, “*Nutbush, Granville County, the 6th of June, Anno Dom. 1765.*”

And tho’ it was the adjacent County to *Orange*, yet the first that ever we heard of it was in 1767, at our *August Court*, after we had tried to plead our own Cause at the Bar against Extortion.——Then some Persons who lived adjoining *Granville* Line told us they feared that Matter would ruin [9] some of us, for that just such a Case had been undertook in *Granville* County some years ago, and that they were at Law about it to that Day. And by what I have since

learned, the Method they proceeded in was by Petitioning the Legislative Body against the Mal-Practices of the Officers mentioned in the Paragraphs cited.—And thereupon the Officers sued the Subscribers for a Libel; indicted the Author of the Paper, and imprisoned him: Which Law-Suits have remained to this Day.<sup>2</sup>

There were other Counties, such as *Brumswick*, *Cumberland*, and some more, had wholly Declined paying Taxes as early as 1766, if not before, as nearly as I could collect Accounts;—but the Government made no noise about all this till *Orange* could no longer be kept quiet,——who never had knowledge of the Dissatisfaction of these Counties; so that the Thing did not spread by Industry of any in propagating or Communicating the Grievances, but the same Cause naturally produced the same Effect.

But now I shall drop other Counties and begin with *Orange*, having, as I said before, as perfect a knowledge of the whole Proceedings as any one Man in the Province.

Sometime in the latter Part of Summer, in the Year 1766, at an Inferior Court in the County of *Orange*, a Paper was presented and read to the Representatives and Magistrates of the County, as follows, viz.

No. I.<sup>3</sup>

“WHEREAS that great Good may come of this Great designed Evil, the Stamp Law, while the Sons of Liberty withstand the Lords in Parliament, in Behalf of true Liberty, Let not Officers under them carry on unjust Oppression in our own Province; in order thereto, as there is many Evils of that Nature complained of in this County of *Orange* in private amongst the Inhabitants, Therefore, let us remove them;—— [10] or if there is no cause, let us remove the Jealousies out of our Minds.——Honest Rulers in Power will be glad to see us examine this Matter freely——And certainly there is more honest Men among us than Rogues\*; yet Rogues is harboured

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\* *The Author had in View to carry Elections by the Majority, and was to confute a general prevailing Notion, that the Combination of Rogues, by Means of a Mason Club, was so great, that it was in vain to try to out-vote them at Elections, which was the Method of Redress proposed in Conversation.*

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among us sometimes almost publicly.

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<sup>2</sup> For a discussion of the petitions and prosecution referred to, see the preceeding issue of this *Review*, p. 52.

<sup>3</sup> This document also found in the *Colonial Records of North Carolina*, Vol. VII, pp. 249-250.

"Every honest Man is willing to give Part of his Substance to support Rulers, and Laws, to save the other Part from Rogues; and it is his Duty, as well as Right, to see and examine whether such Rulers abuse such trust;——Otherwise that Part so given may do more Hurt than Good.

"Even if we were all Rogues, in that Case we could not subsist; but would be obliged to frame Laws to make ourselves honest.——And the same Reasoning holds good against the Notion of a Mason Club.

"Thus, though it (meaning Justice) must be desired by all, or the greatest Number of Men, yet when Grievances of such publick Nature are not redressed, the Reason is, every Body's Business is no Body's.——Therefore, the following Proposal is offered to the Publick, *to wit*, Let each Neighbourhood throughout the County meet together, and appoint one or more Men to attend a general Meeting on the *Monday* before next *November* Court, at a suitable Place, where there is no Liquor, (at *Maddock's* Mill, if no Objection;) at which meeting, let it be judiciously enquired into, Whether the Freemen of this County labour under any Abuses of Power or not; and let the same be notified in Writing, if any is found, and the Matter freely conversed upon, and Proper Measures used for Amendment.

[11] "This Method will certainly cause the wicked Men in Power to tremble; and there is no Damage can attend such a Meeting, nor nothing hinder it but a cowardly dastardly Spirit: Which if it does at this Time, while Liberty prevails, we must mutter and grumble under any Abuses of Power until such a noble Spirit prevails in our Posterity; For, take this as a Maxim, that while Men are Men, though you should see all those Sons of Liberty (Who has just now Redeemed us, from tyranny) set in Offices, and Vested with Power, they would soon corrupt again and oppress, if they were not called upon to give an Account of their Stewardship."

This Paper being publicly read at Court, in Audience of our Chiefs, Mr. *Loyd*,<sup>4</sup> one of our Assembly-men, declared his Approbation of it, and the Rest Acknowledged it was reasonable.——And *Loyd*, altered the Day of Meeting to the 10th of *October*; and we

<sup>4</sup>Thomas Lloyd, appointed Justice of the Peace for Orange County in 1757, was member of the Assembly in 1762 (both sessions), in 1764-65, and in 1766-68. He was also a Captain of Militia and in 1772 Coroner of the County.

being thus encouraged, Several Neighbourhoods held Meetings, and conjunctively Drew up the following Paper.

No. II.<sup>5</sup>

"AT a Meeting of the Neighbourhood of *Deep-River*, the 20th of *August*, 1766.——Unanimously agreed to appoint *W.—— C——*.<sup>6</sup> and *W——M——*<sup>7</sup> to attend at a general Meeting on the 10th of *October* at *Maddock's* Mill, where they are judiciously to examine, whether the Freemen in this County labour under any Abuses of Power, and in particular to examine into the publick Tax, and inform themselves of Every Particular thereof, by what Laws and for what Uses it is laid, in order to Remove some Jealousies out of our Minds.

"And the Representatives, Vestry-men, and other Officers, are Requested to give the Members of the said Meeting what Information and Satisfaction they can.——So far as they value the Good-[12] will of every honest Freeholder, and the executing Publick Offices, pleasant and delightful."

In Pursuance hereof, about twelve Men met, but none of the Officers appeared (though they had frequently gave out Word beforehand, that they would be there—— Late in the Day Mr. *James Watson*<sup>8</sup> came alone, and brought Word from Colonel *Fanning*,<sup>9</sup> the other Representative, that he had always intended fully to meet us, till a Day or two ago he observed in one of our Papers the Word judiciously\*, which signified, he said, by a Court of Authority:

*\*By what I have learnt since, they pretend to have mistook the word for judicially; but our original Papers were in too many Hands to make it take.*

——And had some other Objections, such as the Mill being no

<sup>5</sup> This document may also be found in the *Colonial Records of North Carolina*, VII, p. 217.

<sup>6</sup> William Cox.

<sup>7</sup> William Massett.

<sup>8</sup> James Watson was one of the pioneer settlers of Orange County and was very prominent in its affairs. In 1752 he was one of the commissioners named by the Assembly to establish the boundaries of the County and he was also then appointed a vestryman of the Parish of St. Matthew. In the same year he was appointed a receiver of taxes levied on goods, wares and merchandise in the County. In 1754 the site selected for a court house was property belonging to Watson, in 1759 he was one of the commissioners appointed to establish the town of Childsburg (later Hillsboro) and in 1771 one of the commissioners to build a new jail. In the meantime in 1757 he was one of the commissioners to raise supplies for the Indian allies of North Carolina in the French and Indian War and in 1770 he was one of those who informed Governor Tryon of the troubles of the Regulators at the September session of Orange Court. He was Clerk of the Court at that time and was later Register of Deeds.

<sup>9</sup> Edmund Fanning, chief object of Regulator wrath. Born in New York, and a graduate of Yale College, he came to North Carolina about 1760, becoming Register of Orange County in 1763 and a member of the Assembly in 1770-71. At the opening of the revolution he returned to New York and was a Royalist in that struggle. Later he received honorary degrees from Yale, Harvard, King's (Columbia University), Dartmouth, and Oxford.



suitably Place. And concluding, that, in short (says he) Colonel *Fanning* Looks on it as an Insurrection, &c. &c.

Whereupon we, in *Watson's* Presence, drew up the following Paper, and read it to him, Desiring his Judgment; and he said it was so just, and reasonable, that no Man could object to it; which was thus, *to wit*.

No. III.

"At a Meeting of the Inhabitants of *Orange* County, on the 10th of *October*, 1766, for Conference on publick Affairs with our Representatives, Vestry-men, &c.

"It was the Judgment of the said Meeting, that, by Reason of the Extent of the County, no one Man in it, in a general way, was known by above one tenth Man of the Inhabitants;—for which Reason, such a meeting for a Publick and free Conference, yearly, and as often as the Case may require, was absolutely necessary, in Order to reap the Benefit designed us in that [13] Part of our Constitution of choosing Representatives, and knowing for what uses our Money is called for——We Also conceive such a Representative would find himself at an infinite Loss to answer the Design of his Constituents, if deprived of consulting their Minds in Matters of Weight and Moment.

"And whereas, at the said Meeting, none of them appeared (though we think properly acquainted with our Appointment and Requests) yet, as the Thing is somewhat new in this County (though practiced in older Governments) they might not have duly considered the Reasonableness of our Requests.

"We therefore conclude, that if they hereafter are inclinable to answer it, that we will attend them at some other Time and Place, on their giving us proper Notice.

"It is also our Judgment that, on further mature Deliberation, the Inhabitants of the County will more generally see the Necessity of such a Conference, and the Number increase in Favour of it, to be continued yearly."

A Copy of this was given to Mr. *Watson*, on his Approbation of it; and he promised to present each of our Representatives with proper Transcripts;—Which we make not the least Doubt but he complied with.

But, however, instead of complying with our so reasonable Proposals, Colonel *Faning*, the following Court, or at a general Muster, read a long Piece of Writing in Publick, and among our Justices, in Repugnance to our Request, vaunting himself greatly in his Performance; telling them, he had served us with Copies thereof, and signified it would silence us, or had silenced us: But as to what it contained, I cannot inform the Publick, as we nor any one of us, that ever I could find, ever saw it.

This, with the Menaces thrown out by the [14] Bomb Sheriffs against such as was most active in this Affair, so discouraged the People, that the Affair dropped, after we had subscribed to a Sum of Fifty Pounds, in order to commence a Suit at Law against them on the Penal Laws, and was Denied by the only Attorney we had any Hopes of serving us to undertake it.

Some Months after, all was still, there happened to come out a new Collection of the Laws in one Book; two of us took a Copy of the Fees out of it for recording Deeds of Conveyances, and carried it to Court in *August* Term, 1767.—These men offered the customary Fees for the Recording and Proving their Deeds that were taken in other Counties, though that Exceeded the lawful Due; at the same Time offering to pay more if any of them could shew any Law for more.

This was before the Bench, when the Man who spoke was asked, How long it was since he had Commenced Lawyer? But as he did not regard some of the Bench, began to threaten him, for standing in Contempt of the Court; upon which they withdrew.

The Person who had got this Law-Book, being half Owner of it, had it at Court, and it was handed about among the People; which the other Owner knowing of, and he being one of the Bench, and on the Bench at the Time, came immediately out of Court, calling his Partner in the Book to one Side, Desiring him to keep the Knowledge of the Book's being handed about a Secret from the Rest of the Court.—The other Replies, I have given them, that I let have the Book, that Caution alredy, for I see how Matters stands among you.—Which was, that an honest Man could hardly live among them; for these New Books were so scarce at that Time, that they would have known who had let it out among the People.

Thus we may see how he apprehended himself [15] under a necessity to conceal his good Offices and Honesty to secure himself in Office: But I suppose he was found out; for he was soon after put out of Commission.

The Bombs now grew more and more Insulting, taking Unusual Distresses for Levies; taking double, treble, and four Times the Value; bearing all off to Town, thirty, forty, and sixty Miles, and was remarkably cross, taking By-paths, and other Ways than they had Promised; so that those who followed, may be in a few Hours, to Redeem their Things, could never overtake them.

These Things were all sold in Town at under Rates, and became a constant Trade; so that roguish People began to depend on these Sales to raise them Fortunes.—And as to any Overplus being returned to the Parties, I never could hear of any. Besides, among Dutch people, and such as were ignorant of State Affairs, they practised taking Four-pence, Six-pence, and a Shilling in a Tax, more than from the more Knowing.

The High Sheriff also sent out an insulting Advertisement, which was set up very early in the following Year, *to wit*, 1768, (may be in first of *February*) as follows.

<sup>10</sup> “Whereas, by a late Act of Assembly, the Sheriffs of the several Counties in this Province are obliged to attend at five different Places in their County, at least two Days at each Place, at some Time between the first Day of *January* and the first Day of *March*, in Order to receive the publick County and Parish Taxes.—I hereby inform the County of *Orange*, that I intend to comply with my Duty in attending, according to Law, at Times and Places hereafter to be advertised; and that every Man who fails paying their Dues, at these Times and Places, is, by the same Law, obliged to pay me *Two Shillings and Eight-pence* extraordinary: Which Sum I shall [16] Demand, without Respect to Persons. Whereof everyone concerned is desired to take Notice.

“And should any Person imagine, that it is sufficient if they have their Money ready when I or my Deputy comes for it—I advise them to be provided with *Two Shillings and Eight-pence for the Visit*,

*From their humble Servant,*

TYREE HARRIS.”

<sup>10</sup>This document is also in the *Colonial Records of North Carolina*, VII, pp. 771-772.

Every one could see this was quite insulting, as well as an Attempt to make Asses of us; for no one but had Sense enough to know this new Law was calculated for the Sheriff's Ease.—And instead of being so careful to Word his Advertisement, That “the Sheriffs were obliged to attend,” he might have said, The Asses were obliged to bring their Burdens to him, in order that one of their Deputies might collect the Whole in ten Days sitting on their Breech, at Ease, in five Places only.

The Rumour of giving the Governor *Fifteen Thousand Pounds*, to build him a House, all happening together at this Time, conspired to give Rise to what was commonly called the Mob; which in a little Time altered to that of the Regulators.

This new Association began in a different Neighbourhood, though they always mentioned and espoused the former; and People had entered into it by Hundreds, and it spread every Way like Fire till it reached *Sandy-Creek*, where the principal Men who were concerned in the Papers No. 1, 2, and 3, lived. There this new Scheme met with some Opposition, on Account that it was too hot and rash, and in some Things not legal. And though the *Sandy-Creek* People endeavoured to shew them the Danger of their Proceedings, yet took Care at the same Time not to kill that Zeal for Justice and true Liberty.—And at the second Meeting they had prevailed with them to [17] form new Articles, and censured their First; yet at their first Meeting they had sent a Paper to our Officers; which Paper was approved of, and bears the Name Number V. though dated *March 22d.*—The new Articles being adopted at their second Meeting, held on *April* the Fourth, being instead of the first Articles, always bore the Place of the First, which was Number IV. and is as follows, viz.

No. IV.<sup>11</sup>

“We the Subscribers do voluntarily agree to form ourselves into an Association, to assemble ourselves for Conference for Regulating publick Grievances and Abuses of Power, in the following Particulars, with others of the like Nature that may occur.

“1st. That we will pay no more Taxes until we are satisfied they are agreeable to Law, and applied to the Purposes therein mentioned; unless we cannot help it, or are forced.

<sup>11</sup> This document is also in *Colonial Records of North Carolina*, Vol. III, pp. 671-672.



"2d, That we will pay no Officer any more Fees than the Law allows, unless we are obliged to it; and then to shew our Dislike, and bear an open Testimoney against it.

"3d. That we will attend our Meetings of Conference as often as we conveniently can, and is necessary, in order to consult our Representatives on the Amendment of such Laws as may be found grievous or unnecessary; and to choose more suitable Men than we have done heretofore for Burgesses and Vestry-men; and to petition the Houses of Assembly, Governor, Council, King and Parliament, &c. for Redress in such Grievances as in the Course of the Undertaking may occur; and to inform oneanother, learn, know, and enjoy all the Privileges and Liberties that are allowed and were settled on us by our worthy Ancestors, the Founders of our present Constitution, in Order to preserve it on its ancient Foundation, that it may stand firm and unshaken.

"4th. That we will Contribute to Collections for [18] defraying necessary Expenses attending the Work, according to our Abilities.

"5th. That, in Case of Difference in Judgment, we will Submit to the Judgment of the Majority of our Body.

"To all which, we Solemnly Swear, or, being a Quaker, or otherwise scrupulous in Conscience of the common Oath, do solemnly Affirm, that we will stand true and faithful to this Cause, till we bring Things to a true Regulation, according to the true Intent and Meaning hereof in the Judgment of the Majority of Us."

Number Five is as follows, *viz.*

Number V.<sup>12</sup>

"The 22d. Day of *March*, 1768.——The Request of the Inhabitants of the West Side of *Haw-River*, to the Assembly-men and Vestry-men of *Orange County*, *viz.*

"Whereas the Taxes in this County are larger, according to the Number of Taxables, than adjacent Counties, and continues so Year after Year, and as the Jealousies still Prevails amongst us, that we are wronged; and having the more Reason to think so, as we have been at the Trouble of choosing Men, and sending them, after the civilest Manner that we could, to know that we paid our Levy for, but could receive no Satisfaction;——for *James Watson* was sent to *Maddock's* Mill, and said that *Edmond Faning* looked on it, that

<sup>12</sup> *Ibid.*, VII, pp. 699-700.

the Country called him by Authority, or like as if they had a Right to call him to an Account.——Not allowing the Country the Right that they have been Entitled to as *English* Subjects; for the King requires no Money from his Subjects but what they are made sensible what use its for.

“We are obliged to seek Redress by denying paying any more until we have a full Settlement [19] for what is past, and have a true Regulation with our Officers.

“As our Grievances are two many to be notified in a small Piece of Writing, we desire that you, our Assembly-men and Vestry-men, may appoint a Time, before next Court, at the Court-House, and let us know by the Bearer, and we will Choose Men to act for us, and settle our Grievances.

“Until such time as you will settle with us, we desire the Sheriffs will not come this Way to collect the Levy; for we will pay none before there is a Settlement to our Satisfaction.

“And as the nature of an Officer is a Servant to the Publick, we are determind to have the Officers of this County under a better and honester Regulation than they have been for some time past.

“Think not to frighten us (with Rebellion) in this Case, for if the Inhabitants of this Province have not as good a Right to Enquire into the Nature of our Constitution, and Disbursements of our Funds, as those of our Mother Country,——we think that it is by arbitrary Proceedings that we are debarred of that Right.——Therefore, to be plain with you, it is our Intent to have a full Settlement of You in every particular Point that is Matter of Doubt with Us.——So fail not to send an Answer by the Bearer. If no answer, we shall take it for granted, that we are disregarded in this our Request again from the Publick.”

This was the first Message this new Society sent our Officers: But no Masters of abject Slaves could be more exasperated;—they were Rebels, Insurgents, &c., to be shot, hang’d, &c. as mad Dogs &c.—And the *Sandy-Creek* Men, or Authors of No. 1, 2, and 3, were to be punished for it all; for these refers to their former Papers.——Now as they were so ignorant as actually to imprison, and went through a Course of Law to make the Au [20] thors of the first Papers culpable for these last, I will observe, the latter had a Right to refer to the former, because they had concurred and joined in the former, but

that by no Means made all them who were concerned in the former, and scarcely had heard of the latter, to be anyways culpable——  
——— *Indians* now-a-days know this Distinction, that where a few bad People of a Nation commit Outrages, the Whole is not blamable. However hard this Distinction might have been to our Officers to conceive, I know it was the easiest and naturalest of all Things to be felt by the Parties.

And further, because they stiled themselves Inhabitants of the West Side of *Haw-River*, therefore the whole Body of the Inhabitants, on the West Side, was so treated, that I can venture to say, that though not one third Man on the West Side had yet concerned themselves, yet they were afterwards forced to join as one Man in Defence of their Lives.

On the whole, I do not think it needful to take much Pains to shew this Distinction, for my Opinion is, our Officers Spleen against the Authors of former Papers was for that very Reason, that they were pursuing a legal and constitutional Plan to be redressed: As also, when it came to be tried in the Law, the Distinction was as clear as the Day, and punished none but them who were actually Guilty.

I have said thus much on this Head, the more as I observe by the News-Papers, that Men in Higher Stations than our Officers attempted the same Thing on the Town of *Boston*.

So to proceed in Order, ——On the said 4th of *April*, 1768, after the Articles were altered, and both Parties joined on the former [21] Plan, they drew up the following Paper, *viz.*

No. VI.

“At a General Meeting, of the \*Regulators, held *April* 4th, 1768, it was agreed to send P—— C—— and J—— L——,<sup>13</sup> to request the two late Sheriffs and our Vestry-men, to meet twelve Men that we shall choose on the Teusday after next Court, to Produce to them a Copy of the List of Taxables for each Year, and a List of the Number of Names of the Insolvents returned each Year, with an Account how the Money was applied, to whom paid, and to what Uses, both Vestry-men and Sheriffs, and to request our Representa-

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\* *This new Name, instead of Mob, was necessary, according to the Nature of the Business of the Day of altering the Articles.*

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<sup>13</sup> This document is also in *Colonial Records of North Carolina*, VII, pp. 702. P—— C—— refers to Peter Craven and J—— L—— to John Howe. L. being a misprint for H.

tives to confer with them in our Behalf, and shew us Law for the customary Fees that has been taken for Deeds, Indentures, Administrations, &c. If the Time appointed don't suit them, let them appoint another more suitable."

Before these two Men had Time to perform this Message, the Officers, either to try or exasperate the now enraged Populace, took, by way of Distress, a Mare, Saddle and Bridle, for one Levy.—and they immediately rose to the Number of Sixty or Seventy, and rescued the Mare,— and fired a few Guns at the Roof of Colonel *Fanning's* House, to signify they blamed him for all this Abuse.

The Paper No. 6 was then delivered to the established Minister of the County, who undertook to try to accommodate the Matter; who, accordingly, returned with an Answer from the Officers, and that they had appointed the 11th Day of *May* for a Settlement.

[22] The Regulators hereupon called a Meeting on the 30th of *April*, chose twelve Men to meet accordingly; and sent the Officers an Account thereof; but the Paper never was delivered by Reason (as it was on a *Saturday*) the Governor's Secretary arrived the same Day in the Town, and brought a Proclamation from the Governor, desiring all Rioters to disperse: And on their Refusal, commanding all Officers to aid and assist to disperse them.—And, what I think is the oddest Thing I ever heard of, this Proclamation was set up on *Saturday*, the Rioters ever since the Riot all peaceable at Home, yet the Officers assembled themselves on *Sunday* to the Number of about Thirty, with a Tavern-keeper or two, and a Man who had lately killed another, which the Jury of Inquest had adjudged willful Murder, all armed with Guns, Pistols and Swords, and rode all the Sabbath Night, the Distance of 40 Miles, and took one of the Rioters Prisoner by Virtue of a Warrant;——And also another innocent Person without any Precept at all by Reason no Precept could be obtained, because no Charge was, nor could be proven against him, though they had made all the Search and Enquiry they were capable of doing, by Reason, as was hinted before, he was allowed to have been the Author of the former Papers, No. 1, 2, and 3.

But the Case was so among the Inhabitants, that every man knew who was and who was not joined into the Regulation, by Reason it was all the Topick of Converse and Enquiry. It being therefore so well known that this Person was Innocent, that it alarmed and



raised a fiery Zeal in every one who had or had not entered into the Association. And I suppose not near half the Inhabitants had at this Time entered into it.

This Alarm immediately so engaged almost every Man, Woman and Child, that by Day-Light, next Morning, some Hundreds were assembled near the Town, which Number, in an Hour or two, en[23]creased to Odds of seven Hundred armed Men; many of which had traveled forty odd Miles on foot, some bare footed, and some (at least one) had traveled thirty Miles with Shoes slipshod; but the most part were on Horseback. The whole was actuated by what the World calls the Spirit of Enthusiasm, for I felt it myself as soon as I came into the Company; it caught every Man, good or bad, as *Saul* was caught among the Prophets.——A man Under the Operation of this Spirit, I am certain, can do and undergo double what he can at another Time.—It is prodigiously dangerous to raise this Spirit, if it is nothing but Natural, as some imagine; but I believed it was a Work of Providence, and therefore feared no Evil.

The Governor's Secretary met this Company in sight of the Town: ——But I have to observe, first, That both the Prisoners had given Bail, and had met this Company very early; for we supposed the Officers had got some Word of their being on the Road, as some Companies took up long before Day, near the Town,——or else the Prisoners would, we suppose, have been sent to *Newbern*, 200 Miles. This would have been hard work, for the Inhabitants on the East Side of the Town who were also assembled in Companies, laying in Wait to rescue the Prisoners among Inhabitants who had not intermeddled before.——The Secretary read the Proclamation, and delivered a verbal Message, which he said he had from the Governor, That if they should assemble While he Was up, to tell them, if they Would Petition the Governor, he Would Protect and Redress them against any unlawful Extortions, or Oppressions of any Officer or Officers in the County; Provided they would disperse and Go Home.

No sooner was the Word spoke, but the whole Multitude, as with one Voice, cried out, Agreed. [24] That is all we want; Liberty to Make our grievances known.

It is admirable the Quickness of the Spirits in a People, truly engaged in a Cause, to apprehend and take any Thing offered that in truth has a Tendency to procure a Remedy we had felt ourselves

shut out and denied a Hearing; and we sensibly felt the whole Calculation and Design of our Enemies was to prevent our Cries from Reaching as it were, the Royal Ear; or, which is the same Thing, the Legislative Body of the Government.

A fatal Blow was this to our Adversaries; but they saw it not till it was too Late. Had not this very Accident happened, we never Could have had a Hearing.

And to mend the Matter, the Secretary was so Pleased, that he had hit upon an Expedient, to mak Peace, that he sent for some Bottles of Wine, and with a loud Voice, before Officers and People, Repeated the Same Thing over and over, without Variation, several Times; and drank the Wine as a Testimony or Record that such an Agreement was made; and that by express Orders from his Excellency.

The Joy that we return Home with, on this Occasion, was inexpressible, for Men can feel Things of an oppressive Nature that they can't make appear; we could plainly feel we were debarred from Complaining; we could feel we dared not Petition the Governor unless we let our Adversaries Word the Petition. But now they had tied themselves. We immediately advertised the Agreement, and appointed a Meeting; but this opened the Eyes of our Officers to see their Mistake. I call it a Mistake and Accident, because the Governor denied Afterwards that he gave such Orders, as will be seen by and by in his Answer to our Petition; though some who don't like him, think he denied it because he rued it.

It is beyond my Power to describe the Pains that [25] was taken to Recall this Mistake, unless I was to Print a Copy of all their Letters, and as much Preaching and Arguments as a Man could read in a Week.——We were told in plain Terms, and in Writing, that no Petition could, nor would go down with the Governor but such a one as they had Wrote for us, in which they made us say, we had thought the Officers wronged us, but had now found it was owing to some Mistake or Defect in our Proceeding; and told us, if we persisted, Colonel *Fanning* would represent our Case to the Governor as High Treason, and not as a Riot,—and kept constantly at this Work till and on the Day appointed to meet, where and when a Merchant and Clergyman appeared to influence and frighten us from Proceeding; and though they made the Work Exceeding unpleasant, and much

confused us; yet the following Paper was unanimously at last agreed to, *viz.*

No. VII.<sup>14</sup>

“At a General Meeting of the Regulators, Associators and others, Inhabitants of the County of *Orange*, Held at *George Sally's*, on the 21st of *May*, 1768.

“It was unanimously agreed to continue our Petition agreed on last Meeting to the Governor, Council and Assembly, for Redressing very grievous, cruel, iniquitous and oppressive Practices of our Officers, which we generally conceive we have laboured under this Many Years, contrary to Law.

And in Pursuance of a verbal Message from the Governor, sent to us Express by his Secretary, delivered to us on the 3d of this Instant, we agree to Renew our said Petition.—And as sundry Forms have been read here this Day, and signed by sundry Neighbourhoods, we appoint W—— M——, W—— C——, H—— C——, J—— L——, [26] J—— M——, J—— H——, R—— H——, and G—— H——, to form one out of the whole, refering to the several Complaints for Information of Grievances.<sup>15</sup>

“And being conscious of our Loyalty to King GEORGE the Third, on the present Throne, and our firm Attachment to the Present Establishment and Form of Government, which we sincerely believe all our Grievances are quite opposite and contrary to, by downright roguish Practices of Men who have crept into Posts of Office, and have practiced upon our Ignorance and new settled Situation.

“We therefore order the above Committee to Implore the Governor's Pardon and Forgiveness, in the most Submissive Manner, for any Errors that we may have committed, that is or may be construed to derogate from the Honour of his Majesty's Crown and Dignity, or tending to obstruct the Peace and good Order of Government.

“And for the Governor's better Information, we order the Committee to prepare Copies of all our Proceedings which was agreed on by our Body even from the first Beginning;—— to go with our said Petition,——and a suitable Number of the said Committee to wait on the Governor with them as soon as possible.

<sup>14</sup> This document is also in *Colonial Records of North Carolina*, Vol. VII, p. 758.

<sup>15</sup> The names to which these initials refer are: William Moffet, William Cox, Hermon Cox, John Lowe, John Marshall James Hunter, Rednap Howell, and George Hendrey.

“And as we have received a Letter from Anson County, Informing us of an Association there on the same Account, and Requesting our Information of the Manner of our Proceeding, we Order a Copy of this to be sent to them immediately, to prevent Speedily their Running into any Error,——we believing their Scruples to be well grounded, and their Intention Honest.”

In June they Waited on the Governor with the Copies of all the foregoing Papers, and o[27]ther attested Complaints, and brought us back the following Answer, viz.

<sup>16</sup> GENTLEMEN,

*I received by the Hands of Messrs. Hunter and Howell a Petition, and other Papers, subscribed by several of the Inhabitants on the South Side of Haw-River, in the County of Orange, under the borrowed Title of Regulators, assuming to themselves Power and Authorities (unknown to the Constitution) of calling Publick Officers to a Settlement, together with a Narrative of their Conduct, and Detail of the Grievances and Complaints against the Clerk of the County Register, and other Publick Officers, whose Exactions and Oppressions its pretended has been the Cause of the late Insurrections which have Disturbed the Peace of that Part of the County.*

*These Papers I have, agreeable to your Desire, communicated to the Members of his Majesty's Council, who having taken the same into their deliberate Consideration, Unanimously concur with me in Opinion, That the Grievances Complained of by no Means warrant the Extraordinary Steps you have taken, in Assembling yourselves together in Arms, to the Obstruction of the Course of Justice, to the Insult of Publick Officers, and to the Injury of Private Property; Measures, as they manifestly tend to the Subversion of the Constitution of this Government, would inevitably, if carried but a little farther, have been denominated, and must have been treated, as High Treason; and consequently have involved the Abettors, most of whom I am satisfied were actuated by Honest Motives, though incautiously drawn in to concur in Acts that might have terminated in the Ruin and Destruction of their Families, while by illegal Means they are intent on exempting themselves from Evils, within the Remedy of Laws of their Country.*

<sup>16</sup> This document with slight variations is in the *Colonial Records*, Vol. VII, p. 792.



*These Calamities, I trust, are now removed by the timely Proclamation I sent up to you by my Secretary, and your own prudent Determination to Petition me in Council for the Redress of the Grievances complained [28] of.—The Discreet and Steady Behaviour of Colonel Fanning, and the Officers and Men under his Command, met not only with the Entire Approbation of myself and his Majesty's Council, but will ever be acknowledged with Gratitude by every Wellwisher to this Province.*

*I take this Opportunity to acquaint all those whose Understandings have been run away with, and whose Passions have been led in Captivity by some evil designing Men, who, actuated by Cowardice and a Sense of that Publick Justice which is due to their Crimes, have obscured themselves from Publick View. That in Consideration of a Determination to abide by my Decision in Council; it is my Direction, by the unanimous Advice of that Board, that you do, from henceforward, Desist from any farther Meetings, either by Verbal Appointment or Advertisement. That all Titles of Regulators or Associates Cease among you. That the Sheriff and other Officers of the Government are Permitted, without Molestation, to Execute the Duties of their respective Offices.—And that all Breaches of the Peace against his Majesty's Government may be Determined and Examined in a due Course of Law.*

*It is by your strict and punctual Adherence to these Directions, that any farther Clemency, on My Part, may be looked for.*

*This was the Extent of what I authorized Mr. Edwards to declare on my behalf.—And now, that I have signified to you the Sense his Majesty's Council Entertain of the Nature of your Proceedings, and the Requisition I Point out, by their Advice, for your future Conduct.*

*I am to assure you, willing as I am to Listen to the Voice of Distress, the just Complaints of his Majesty's Subjects, and the Hardships they may groan under, that I shall give his Majesty's Attorney-General Orders to prosecute every Officer who has been guilty of Extortion or illegal Practices in his Office, upon any Application or Information lodged with him by the Parties [29] injured, or any others who shall be authorized to Prosecute on their Behalf. As also, set up a Proclamation on my Arrival at Hillsborough, forbidding all such dishonourable and illegal Proceedings.*

*You may further depend upon it, I shall, at all times, endeavour to redress every other Grievance in my Power, that his Majesty's Subjects may labour under.*

*As you want to be satisfied what is the Amount of the Tax for the Publick Service for 1767, I am to inform you, it is Seven Shillings a Taxable, besides the County and Parish Taxes, the Particulars of which I will give to Mr. Hunter.*

*I have only to add, I shall be up at Hillsborough the Beginning of next Month. In the mean Time I rest in full Confidence I shall again be made happy by seeing Industry prevailing over Faction, and Peace and Harmony triumphing over Jealousies and Murmuring, in a Soil and Climate the most fertile in the World, and among a people, who, by a well directed Industry, may draw down Blessings and prosperity to their Families, and greatly contribute to the Honour of his Majesty's Government, and the Happiness of my Administration.*

WILLIAM TRYON.

At the Council-Chamber,  
*Brunswick, the 21st of  
June, 1768.*

Now to give some clear Ideas in what Light we received this Answer, and in what condition we felt ourselves to be in, it is necessary to Inform you the Bottom of our Jealousies, and the Method we intended to Prosecute for Redress.

Our Jealousies were not only against the Officers of our own County, which our Papers are confined to, but in our Converse and Enquiry, by the best Calculations we could make, and by several Hints and Reports, we had Reason to believe we had already paid *Twenty or Thirty Thousand Pounds* over what would sink the Emissions of our Paper Currency. And by Accounts we had still [30] afloat *Sixty Thousand Pounds*; so that either our Assembly had been deficient in Burning it, or the Treasurers in Accounting; or else our Sheriffs in Paying the Treasurers: Otherwise some Counties must be vastly in Arrears.

As for our own County, we knew it had Paid to the full.—— We were of Opinion there was not one Hundred Insolvents a Year in our County out of from three to four Thousand.——But to Question the Assembly or Treasures, our Officers took care to chide Us for, and hinted, that it would be even criminal to Suppose such

a Thing, for they were men of such Credit, and such a Body, as, were they Guilty, more than one must be Combined; and such a Thing Could not be supposed.——Well, we could not help thinking: So we intended, that if our own Representatives would help us, and we could get a Settlement of our own Officers, and if the Deficiency did not lay there, to proceed and lay the same before the Assembly, and have the Treasurers Accounts Examined. And if our Assembly-men refused to join with us, then to Petition for new Elections, &c.

Now, by the Time we got this Answer, we found by the Journals of the House, that the Publick Accounts were really unsettled; by a Motion from the Governor to them on that Head; and now we were yet more alarmed, for as we Understood the Motion, he hinted, though in a delicate soft Manner, to have that Authority vested in the Governor.

Well, the more that we discovered Things out of order, we were sensible the stronger we should be opposed; and we not only found by this Answer that the Governor inclined to the other Side, multiplying all our Faults to the highest Pitch he was capable of; and with as great an Extream Painting the other Side;——and without meeting together, which he strictly forbid, and conferring together, we could make no Hand either in [31] Carrying Elections, or Representing our Grievances. Our Hands were fast tied from any Relief but the Law, and in that Way had also excused himself from Protecting or Helping us, any farther than to Order the Attorney to set up a Proclamation.

Well, under this Difficulty we stood still, and soon saw the Proclamation had no Effect at all, for the Register, or his Clerk, raised in their Fees Four-pence or Eight-pence; upon which all Hopes of the Law vanished, and every Channel and Passage of Redress was stopped and shut up.——However, after some time, as we thought, the Governor would expect some Return to his Letter, and this we could not Effect without breaking his Orders, so we appointed a Meeting to agree upon an Answer; and at the Meeting received the following Letter from the Governor, *viz.*

<sup>17</sup> GENTLEMEN,

“In strict Conformity to the Promise I made you in my Letter dated from the Council-Chamber, at *Brunswick*, I issued a Proclama-

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<sup>17</sup> *Colonial Records*, Vol. VII, p. 801.

tion on my Arrival at *Hillsborough*, a Copy of which I herewith transmit to you.

"I also gave Mr. Attorney-General Orders to Prosecute at Law all Public Officers in your County for Abuses in their Offices, on Application made to him by or in behalf of the Parties injured.

"It is now therefore by my Advice and Consent, that Mr. *Tyree Harris* wait on you to Proceed in the Collection of the Publick County and Parochial Taxes of *Orange* County for the Year 1767.

"I have the fullest Confidence that you will, agreeable to the Direction of the above mentioned Letter to you, and in Justice to the Principles of your Engagement to abide my Decision in Council, make it a Matter of Honour and Conscience among yourselves, that Mr. *Harris* and Depu[32]ties shall not meet with any Interruption in so essential and an immediately necessary a Discharge of his Duty, in Obedience to the Laws of this Country.

WILLIAM TRYON."

*Hillsborough, August 1st,*  
1768.

*Harris* asked for his Levy,—————and we told him, we had agreed to lay the Case before the Assembly and the Whole of the Council before we chose to Pay; and Nobody offered him the least Insult.

We agreed upon an answer to the Governor's first Letter, and ordered two Men to deliver it to him, which they did the 5th of *August*; but we have lost the Copy.<sup>18</sup> However, the Purport of it may be seen by the Governor's Answer.

But on *Harris's* Return, the Governor's Officers were out raising the Militia round the Town. And the Militia kept sending Messengers to us, one after another by Night and by Day, what Orders they had received, which was to meet such a Day, which was in a few Days, and to bring three Days Provision and nine Charges of Ammunition. These Alarms run Night and Day, and caused Multitudes of People to gather together, who chose out eight Men, and sent them to the Governor.——The men Returned with the following Answer, *Viz.*

"IN the first Place, the Governor Declares, that he never had an Intention to bring down *Indians*, nor of Raising the Militia, in Order

<sup>18</sup> The answer referred to may be found in *Colonial Records*, Vol. VII, pp. 801-803.



to break in upon any Settlement, as has been falsely Represented; and that he again repeats his firm Resolution to do Justice to the People in every Thing wherein they have been injured, as far as is in his Power.

"In the next Place, Colonel *Fanning* agrees, that the Dispute between him and the People shall be Settled at the next Supream Court; that if the [33] Chief Justice and his Associates give Judgment against him on the Trial of Mr. *John Lowes*, or any other Deed, he is willing and shall refund the full Sum, over his Lawful Fees, which he has taken, to every Man who shall apply to him, bringing his Deed along with him; and that they shall pay no cost.

"In the next Place, Mr. *Nash* agrees to the same Thing, with Respect to his Clerk's Fees, as he has already wrote to the Regulators.

"In the last Place, the Accounts of the Sheriffs, with the Vestry and the Court, for the Parish and County Tax, have been Examined, and approved; and when a Settlement is made for the Insolvents, the full State, in the Same Manner, shall be Pasted up in the Court-House.

"The Governor will give no Directions for the Sheriff to Proceed in his Collection till after the Supream Court."

At the same Time he appointed the Regulators to meet on the 17th Day of *August*, at *George Sally's*, when the Sheriffs were to attend with their Settlement, and give Satisfaction to the Publick on the said 17th of *August*.

We met, but none of the past Sheriffs came. *John Lea*, the new Sheriff came, and brought a Letter from the Governor, *Viz.*

*August 13th, 1768.*

<sup>19</sup> GENTLEMEN,

"I had every reasonable Hope that my Letter to you from the Council-Chamber, the 21st of *June*, would have given you not only the most Cordial Satisfaction, but have Prompted you with the most ardent Zeal to have immediately subscribed to every Direction contained therein, conformable to the declared Resolution in your Address to me.

"It is with a sincere Regret I at this Time reflect on the Disobedient and Ungrateful Return [34] you have made me, both by

<sup>19</sup> *Colonial Records*, Vol. VIII, 804-810.

your Disregard to every Part of my Direction in the above mentioned Letter, and your Refusal to pay your Publick Levies to Mr. *Harris*, late Sheriffs, who demanded them of you on the 2d of this Month, at a General Meeting, in Virtue of his legal Powers, and in Compliance with the Letter I sent you by him, urging the immediate Payment thereof.

“The Candor with which I treated the rash and precipitate Steps of your past Conduct, and the just Means and effectual Measures I Pointed out for Removing the Causes of complaint, would have given ample Satisfaction to every Man who Petitioned me with an Intention to be satisfied with Justice.

“By your Letter delivered me the 5th Instant, by Messrs. *Low* and *Hunter*, I have the Mortification to find every Lenient Measure of mine has been Perverted, and the friendly Aid I offered to correct the Abuses in Publick Officers, which it was my Duty to Tender, considered by you as Insufficient.

“The Force of the Proclamation was to Caution Publick Officers against, and prevent as much as possible Extortion. It is the Province of the Courts of Law to judge and Punish the Extortioner. The Dissatisfaction also you express, that your Address and Papers were not laid before the whole Council is equally groundless, with your Declarations of the Insufficiency of the Proclamation.

“By his Majesty’s Commission and Instruction, three Counsellors make a Board; and with five Members Business may be transacted of the highest Dignity.——Whereas six Gentlemen of the Council were present when your Address and Papers were laid before that Board.

“The Resolutions you have taken to Petition the Legislative Body is extreamly agreeable to me; [35] my Services on that Occasion shall not be wanting to redress any real Grievances.\*

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\* *This far relates to our Letter,*<sup>20</sup> *which Copy we have Lost; but the Purport, as I hinted before, may be gathered from the Answer, and what I will now Observe; that is we did not complain that there was not a sufficient Number to do Business, that our thanks would been more had he called the whole Council; and we not only thought so, but likewise both, thought and expected he would have called the Assembly on the Occasion. Which we now recommended, in order to strengthen him to help us.*

<sup>20</sup> The letter referred to as lost is probably that in *Colonial Records*, Vol. VII, p. 801.

"It is necessary I should now inform you, in Humanity to your misguided Passion, and in Justice to the Integrity of my Intentions, that you are Pursuing Measures highly Criminal and Illegal; and it is a Circumstance of real Affliction to me, since I consider you as acting upon Principles no less Void of Faith and Honour than inconsistent with every Moral and Religious Duty.

"You have given Occasion to every Man of Property and Probity, by the open unreserved Menaces you have thrown out against the Lives and Properties of many of the Inhabitants of this County, to look on your Designs as bent rather upon destroying the Peace of this Government, and the Security of its Inhabitants, than a Wish or Intention to wait for any Legal Process against those you imagine have Abused their Publick Trusts.

"Upon these alarming Prospects, I esteem it my Duty to provide for the Safety of the Government, and to take Care that the Publick Receive no Damage; to prevent therefore as much as possible the heavy Expense that must accrue to the Province by Providing against the Insults that are intended to be offered to his Majesty's Superior Court of Justice, I am Peremptorily to require on your Part, that at least twelve of your Principals, and those of the first Property, wait upon me at *Sa[36]lisbury*, on *Thursday* the 25th of this Month, and there in my Presence Execute a Bond in the Sum of *One Thousand Pounds*, as a Security that no Rescue shall be made of *William Butler* and *Hermon Husband* at the Superior Court at *Hillsborough*, they being under Recognizance then to appear and take their Trials.

WILLIAM TRYON."

We sent him the following Answer, *viz.*<sup>21</sup>

*August 19th, 1768.*

*May it Please your Excellency,*

We received your Letter by the Hand of Mr. *Lea*, at the only Time that ever our Officers shewed any real Intentions of informing us to what Uses our Money is applied, and at a Time when we had Hopes and were perswaded Matters were likely to be settled to the Peace and Satisfaction of the Publick.

But finding by your Letter, that your Excellency is displeased, and Charges us with Breach of Honour, and that we have Given Occasion

<sup>21</sup> This answer is in the *Colonial Records*, Vol. VII, p. 810.

to be looked on as rather bent upon Destroying the Peace of this Government than to Wait for Justice.

At all which we are truly Effected with Sorrow, and Concern at the Thoughts of any Difference arising between your Excellency and us, and that (as through false Reports and Alarms, the Commonalty, under Oppression, have been incensed, and Occasion given) we determine to use our utmost Endeavors to guard against such Offences for the future.

Amidst our Sorrow, we are rejoiced in this, to find that your Excellency is agreeable to our Resolutions to Petition the Legislative Body, which is Generally agreed on.

As to the Demand for Security, not to Rescue the Prisoners, we beg that it may be considered, that the Alarms or Raising Men and Indians to Cut off the Inhabitants of this County [37] as Rebels, when they knew in their Hearts and Consciences they were guilty of no other Crime but Endeavoring to obtain Justice and Detect Fraudulent Practices in the Officers, which has been so Common in this Province, that it is mentioned in Many Acts of Assembly made to Remedy the same; which Constantly prove unsuccessful, and we Conceive Ever will be so,——until the Publick is Encouraged to assist and help by Complaining and Producing Matters of Fact against the Particulars.——Now these Alarms were thought by the most Considerate to be without good Grounds,——and such interposed, moderated and Pacified the Whole;——and those, it is likely, may be looked on as the Principals or Leading men.——And such as these will ever use the same Care, and will, no Doubt, be always able to govern the Multitude by Reason;——And yet, not one of them would be willing to enter into Bonds, for the Noise of such a Step would be likely to hinder their Influence.

Moreover, there never was any intent to Rescue the Prisoners, but to beg the Governor to Dissolve the Assembly: And so far as we know the Minds of the People in general, this one Step alone would at once Stop every Mouth and every Complaint, but what would go through, and by way of such Representatives as should then be Chosen.

As the Governor may observe by the Detail of all our Proceedings, that it was the Representatives Refusing us a Conference, and threat-



ning us for Requesting one, and frightening and Detering us from Petitioning for Redress, that first gave Occasion for Disorder;—— therefore, as the Stopping the free Passage of this Channel for Relief has Occasioned the Obstruction of good Or[35]der, so the Opening of which Passage will as assuredly Restore it again.

*Signed, in Behalf of the Regulators, by*

JAMES HUNTER,  
PETER JULIAN,  
THOMAS WELBURN.

If it was false before, that the Governor did not Attempt to Raise the Militia, it was true now; for finding he could not trust the Militia of our County, he try'd all over the Province; and with what Pains, and false Representations of us is best known to the Inhabitants every where among whom he applied.——It was said, he Represented us as a Faction of *Quakers* and *Baptists*, who aimed to upset the *Church of England, &c.*

This Caused Us to View ourselves, when we found our Body to consist Promiscuously of all Sects, and the Men who we put most trust in were of the Church of England Communion. In short, every honest Man who was not deterred by Fear and Cowardice was on our Side. The formality of Subscribing Articles or Swearing had never been in Use since the Governor's Secretary met us; and to prevent Mobs and Riots was our Chief Study, as they were the only Thing that we feared our Enemies could get an Advantage against us in, and what we believe they Endeavored to Drive the Populace to.

All this Preparation of the Governor's put us to it for a while to Rule the Inconsiderate, they looking on it, as the Governor Chose the Sword, that they were at Liberty to Defend themselves; and the Prisoners, they were afraid to trust to a Trial, lest they might Hang them by an Arbitrary Power,——So it was at length agreed the Prisoners should not appear, and every Man to be left at his Liberty to go to the Court as well armed or not as he Pleased; but not to use [39] them nor offer the Least Insult, unless an Attempt was made to Massacre us; and that if they could not offer such Terms as the Governor and Country could come to an Agreement in Peace, to return home, and leave the Governor to fight the Air.

We had very little good Opinion of the Governor now; for when the Secretary agreed we should Petition the Governor, and we had Advertised it, and for them who had material Grievances to get them Attested before a Magistrate, yet the Officers, when they found their Mistake, as I mentioned before, soon scared all the Magistrates but one, that they would give no Person his Qualification. And though, when *Hunter* mentioned this in the Council, at *Brunswick*, the Reply was, that it was a weak Thing in them to act so; yet this one who had served us was now so talked to by the Governor himself, that he refused also.

The Governor soon found he could not trust the Militia, they were so generally Attached to our Side.——So he Swore every Man with an odd Kind of an Oath;—and in many Places the Inhabitants, being so alarmed, took our Method, and Assembled themselves together to Consult one another what to do; and some put their Resolutions in Writing, *viz.*

*Orange County, August the 19th, 1768.*

“The critical Affairs in Public has caused us to meet to consult what is our Duty.——We have been warned to go against a Set of People called Regulators, under the Term of being Enemies. But we look on them as loyal Subjects, Acting for the Good of our Country.——Until they are Proved Enemies, we don’t think it our Duty to go against them.——We hear a Rumour of being fined for not appearing against these our Brethren and Neighbours, which we desire to Ap[40]pose until it Can be made appear it is our Duty——and their Articles are proved contrary to Law.——And we design to Apply to his Excellency, our Governor, to hear our Grievances in Case we are fined.”

By the Date and Purport of this Paper, it looks as though there had been Truth in these Alarms mentioned in our last Letter, Dated this same Day, which we have therein allowed to have been false.——I never observed this before I was Preparing it for the Press.

*Morris Moore*, one of our Associate Judges, having Encouraged the Regulators to stand firm to the Cause, in a Manner I suppose every honest Man in the Province would have desired to have done

if they were not frightened out of it, as was attempted on *Moore*, as may be seen by his Letter to Colonel *Faning*.<sup>22</sup>

*Spring-field, August, the 12th, 1768.*

To Colonel EDMOND FANING.

*Dear Sir,*

"As much as I hate Writing, I am determined to Scratch this Side down, with a bad Pen and worse Ink, on the Subject of the Insurrection in your County, which I am Sorry to hear has grown formidable, and much more so that it is ascribed to me as its Author and Encourager.

"I have been Calumniated before now, but never So Capitally as in this Case.

"I assure you it gives me much Concern, in Spight of the Consolation a clear Conscience affords me.

"I never knew or even saw, as I know of in all my Life, any Man or Men concerned in this unlucky Affair, except *Hunter* and *Howell*; [41] and I made you fully acquainted with the Advice I gave them: But I shall say no more on this Head. I have blackned my Page, and must conclude my Letter with assuring you, I Esteem you, and am,

*Your most Obedient, &c.*

M. MOORE.

On the first Day of the Supream Court, which was at *Hillsborough*, on the 22d Day of *September*, 1768, we appeared about Three Thousand Seven Hundred, and took up about half a Mile from the Town, and sent our Proposals to the Governor; which was, That if he would let us peaceably come into Town to Complain of our Officers, and Pardon all past Breaches of the Peace, (except the two under Bail, who would Stand their Trials) we would Pay our Levies as Usual, &c.

Now we knew of no other Concession he could want of Us.—But the next Day he sent his Answer, That every Man must give up his Gun in Pledge, till the Prisoners were tried; upon which we immediately returned, except about thirty, who carried him their Guns.

As to the Proceedings of the Court, we being debarred from being there, can give you no better Information than that one of the Pris-

<sup>22</sup> For Maurice Moore, see N. C. HISTORICAL REVIEW, October, 1925, pp. 488-490.

oners drew up in Vindication of his own Case.——Only we may add that a whole Troop of Bomb Sheriffs came after us next Day to take such as they had Orders for back; and where they meet with quiet peaceable Men, they went along, but some of a contrary Disposition used some of them very rough. All those who went along, the Bills were all found *Ignoramus*.

The case of *Hermon Husband*, Prisoner, aforesaid, is as follows:

On the second Day of May, a little after Sun[42]rise, ten or a dozen Men, armed with Guns and Pistols, entered the back Door of my House;——and *Thomas Hart*, took hold of me, and said, You are the King's prisoner.

I asked, upon what Account.——He said, on Suspicion of having a Hand in the Mob.

They hurried me off, without letting my Wife fetch me some money; when I called to her for Some;——In about two Miles they come up to where Colonel *Faning*, was waiting for them.——He asked me, flutteringly, and with visible Confusion, Why I did not come to see him in so long a time.——I told him I new no call I had.——He said, Well, you'll come along now.——I said, I suppose I must.——He said, ay; well,——and set off to Town, where *William Buttler* and I were put into a Fort, mounted with two Swivel Guns, under a strong Guard; and after some Hours took me out before *Thomas Loyd*, who read a Paper of some Body having informed, there was cause of Suspicion, that I had a Hand in the mob.

I told him I had not.——Then he Swore Colonel *Faning*, who said, he formerly had received a Paper, summoning him to appear at a Mill, and he thought it was my Hand;——And he had received papers from the Mob, which referred to that Paper.

Then *John Hogen* was swore;——who said, I had confessed I had been at some Meetings of the Mob.

*Thomas Loyd* then order me to Prison; and *William Buttler* was put in with me, where we lay till about Midnight, when we were taken out, and tied Hand and Foot; and many telling us we would be hanged, *Buttler* especially, if I escaped.——It came into my Mind, that if I made Colonel *Faning* some Promises he would let me go.——So, on my Motion, he was sent for, who signified to me



he had been asleep, and was cal[43]led and told I wanted to see him, and he had come to see what I wanted with him.

Says I, if I may go Home, I will promise not concern myself any more whether you take too large Fees or not, &c.—It took with him; and, after huming a little, he repeated over what I must promise; which, as near as I can remember, was to this Effect:

“You promise never to give your Opinion of the Laws,——nor frequent assembling yourself among People——nor shew any Jealousies of the Officers taking extortionary Fees;——and if you hear any others speaking disrespectfully, or hinting any Jealousies of that Nature, of Officers, that you will reprove and caution them; and that you will tell the People you are satisfied all the Taxes are agreeable to Law,——and do every Thing in your Power to moderate and pacify them.”

All which I promised, with a particular Exception, that when any Election was on Hand, I reserved Liberty to assemble myself among People, and to have Liberty to converse:——And to this he said, To be sure.

This was so barefac'd, that as there was twenty or thirty of the Country People to guard us, I looked every Minute to see them cry out, and release us.\*

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*\* I was not so much mistaken here in the People as I was afterwards informed; for they had Messengers coming and going all Night, carrying Intelligence to the Country below Town, who were gathering in Companies on every Part of the Road to watch their Motions; for there were People below Town who had been led into the Secret of their Designs, which was absolutely to Hang two or three of us, at all Events, to scare the Rest.——And these Plans were laid down below, and these Orders sent up for our Officers to bring down two or three of us. They had attempted this same Thing be[44]fore, while Fanning was below in a more formidable Manner; for they had ordered several Captains below Town to have Companies under them on the Road at several Stages, and appointed a Muster above Town; at which Muster they were to pick out such a Number as were suitable, and go and take two or three, and with all Speed convey them below Town, and deliver them to these fresh Companies staged there, to prevent being overtaken. Nothing but the Baseness of their Design could have given them such Suspicions of being followed.——However, some cute Fellow, at the Muster above Town, raised a Report, that Three Hundred Regulators were seen to cross Haw-River that Morning; and the Companies, Officers and all, each took his own Road, and made the best of their way Home.*

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[44] But Fanning went and walked to and fro a few Minutes by himself; then came to us, and said, we must enter into Bail:——

So some of themselves bailed me; and took me for *Buttler's* Bail. —But they had exceeding hard Work before *Buttler* would consent;—when they told him very seriously, that if he went to *New-bern* he actually would be hanged.——He paused a while, and said, I have but one Life, and I freely can give that up for this Cause; for, God above knows, our Cause is just. And he did not consent at last till *Faning* promised to clear him at the Court, without Cost.

It was now Day-break, and about Sun-rise we got the Recognizances done, and was hurried away to stop the People from coming after us.

Now when the Governor and Country fell out, and he got to inlisting and swearing Men,—and *Morris Moore's* Letter was handed about to shew he was scar'd, I concluded to sell my Land, and raise Money to clear my Bail, and to leave the Province; for I was now left alone; the Regulators, some of them insulted me, that if I did not join now, they would let the Governor do as he pleased with me.

[45] I was for my Safety obliged to abscond from them as well as the Governor, and took the Woods for two Weeks, and had got fifteen Miles from my Habitation, and had sent for my Horse, Clothes and Money, to set off in a Day or two.——This Messenger, luckily for the Province, met *John Wilcocks* at my House;—and my Wife ventured to inform him where he might see me.—He gave me Encouragement to stand Trial, by assuring me, a great Number of good honest Gentlemen was coming up to see that Justice should be done; and among the rest a Lawyer.

*Wilcocks* left me at *John Pyle's*, while he and *Pyle* went to Town to see if the Lawyer, or any of them had come: But *Faning* could tell them the Lawyer was not acoming; and ordered him and *Pyle* out of Town.

Upon this, *Wilcocks* was almost outdone; but engaged me to stay till he rid down to Cross-creek to meet or hear what had become of them.—He never returned till the Night before Court, and heard nothing of his Lawyer, or Friends; but by fair Promises from some of the Council and head Officers, and the King's Attorney, that I should get Justice, he would have me venture; and had Orders from the Attorney-General for me not to come in to Town, but to stay among the Regulators till he came out to us.

After the Attorney general had come out, the Regulators would not let me go into Town, unless every Body had Liberty to go, as usual

in all courts;——and *Wilcocks* being discouraged, consented to let me go off; and when it was dark he accompanied me some of the Way, but as soon as we got from among the Croud, he rid on before very silent some time, and claped his hand on his thigh, and cries out aloud, The Lord have Mercy on me, the whole Province is undone! good God;—that ever I was born!

This, and the like, he repeated several Times after Intervals of Silence.

[46] I waited to hear if he would reflect any thing on me; but when I found he did not, and being convinced his Sight of the advantage my going away would give our Enemies, I consulted in myself what to do: I had no Point to determine, but whether to risk my Life or not; here was the Ruin of the Province for certain put in one Scale, a Risk of losing my Life by false Arbitrary Proceedings in the other; and the Safety of the Privileges and the Liberties of the People soon outweighed:——So I rid up a little nearer to *Wilcocks*, and waited till he gave another Cry to lament the Case; then I asked him, if he was of Mind I had best stand Trial yet;——he says, Yes, and I will go with you and stand by you to the last;——which I sincerely believe he was confident at that Time to perform, as *Peter* ever was. And I also confided in him that I had one Friend.

But now again, after we took up Camp, and spent great Part of the night in telling him how they had Carried on Matters, and he viewing, I suppose, what he had seen, got a Sight that a Snare was laid for my Life, which he put to me, to let him know if I had any Apprehension that way, that he would by no Means be the Cause of perswading me into any Danger of that kind.

I told him not to say a Word on that Head, for my resolutions was fixed, and had I more than one Life to loose they were unalterable.

When we came into Town next Morning, before an Hour, I clearly discovered by *Wilcocks's* countenance, that he was scared; ——but Death nor nothing else could alter my Resolutions to stand the Test: And *Wilcocks* made a Motion to me to see a Lawyer. And when I went to them, in this Condition, for though my Senses remained good, yet Property felt to me of no value; for, (it is a very true Saying, That all a Man has he [47] will give for his Life) they soon got all the Money I had, and Bonds and Notes for 150£. more.

But when *Wilcocks* came to know I had given so much, he called me Fool; and seemed grieved;——from which I was in hopes he had got over his Fright.

But the Next Morning I received the following Letter from him, by the Hand of a ragged Boy whom I knew not, *viz.*

To Mr. HUSBAND

*Sep. 23d, at Mr. Cate's.*

SIR,

I HAVE been ordered out of Town, under Pretence of being concerned with the Regulators, which probably may surprise you again; but I hope you will take Resolution, and not be scared by our Enemy, which is their only Scheme to defeat us; but you may depend I shall send Somebody in to be your Security, in Case a Bill should be found against you.

*Sir, Your sincere Friend and humble Servant,*

JOHN WILCOCKS.

Now I had not one Friend left; and I rid some Miles out into the Country, to get some word sent to my own neighbourhood, if possible, to get some of them to come and be Evidences for me, as well as to prosecute Officers, for I equally saw our Cause lost if we did not make Something appear this court against them.

There I met with another Letter from *Wilcocks*, to the Attorney-General, by which I found I need look for no help from that Quarter; for any Trust that he put in Attorney-General I was [48] now perswaded would fail. The Letter was at follows.

*September, 1768.*

To Mr. M'GUIRE, Attorney-General.

SIR,

This serves to inform you, there was Occasion for my leaving Town in a few Minutes Warning.—I must think I am very ill rewarded for all the Fatigue and Care, with the Risk of my Life and Estate, in order and for no other End but to accommodate so dangerous a Dispute.



As I had no other Occasion to be Security for *Husband* but to prevent Mischief, you, with the Court, cannot be unacquainted with my Industry in the Matter, and of their Encouragement to me for that Purpose, which I faithfully acted, as far as capable: However Envy and Malice may represent me to the Governor or Court, I am ready to answer for when called on. That you wont let me suffer for my good Intent,—and encourage *Husband* to stand his Ground till I am released of his Security; and if he is found guilty, that Security may be found for him till Trial.

*Sir, Your humble Servant,*

JOHN WILCOCKS.

It was on a *Sunday* that I got this Letter, having as I said rid out some Miles to send to my own Neighbourhood, but was obliged to get a Pass before I could get out of Town. I could not even walk the Streets about the Court-House without being Insulted at every Turn. The Soldiers thrusting their Bayonets at me within a few inches of my Body, and dragging me once into a Publick-House, setting me upon a Table, and surrounding me with a Ring, made Sport [49] of me, which after half or quarter of an Hour at least, I observed *John Ash*, who was the Commanding Officer, reach forth his Hand to push some of them from me, and says, Hold, don't carry the joke too far.

I caught hold of his Sleeve, and when he looked on me, I asked him if I was at liberty.——Says he, You have been under no Confinement. Then I pushed my Way through them; and to help Mr. *Ash's* Memory, as I hear he denies this, he came to me in the Street, and asked me, why I had asked him if I was at Liberty.——Because, says I, *John Wilcocks* had told me thou was the Commanding Officer.

The Pass was as follows, *viz.*

SIR,

Permit Mr. *Hermon Husband* to pass your Guard and Centinels. I am,

*Sir, your most humble Servant,*

THOMAS LOYD, *Major-General.*

To the Officer of the  
Guard, at the West  
End of *Hilsborough*,  
*Saturday Noon.*

The following is the Qualification of *Peter Savory*, who at this Campaign bore the Title of Captain *Savory*, for I had observed him to Look at some of the Soldiers.

His Evidence is as follows, *viz.*

*Orange Coun-* } This Day came *Peter Savory* before me, and made  
*ty, ss.* } Oath, That at last *September* Superior Court he  
[50] saw several young Men a pushing their Bayonets towards *Hermon Husband*, but did not know them to touch him. Certified under my Hand, this 25th Day of *March*, 1769.

JOHN PRYOR.

On *Mondy* Morning two or three of my Neighbours had come; and as soon as Court sat, Colonel *Faning* accused me of Crimes committed since I had entered into the Recognizances, and signified they were of so high a Nature as concerned my Life.

Hereupon I was committed to Prison.——And the first Salutation I received from the Prisoners, was their Pointing to a Gallows, erected between two Joyces of the Prison, right over the middle of the Floor; and the Prison was new built, of a higher Pitch than usual, and fortified round.

Here were nine or ten Prisoners, Most on account of the Regulation, and the Prison so little, that we could not all lay down at once. The Remembrance of what I had read of Inquisitions, East-India Imprisonments, &c. was now very fresh in my Mind.

At Night *William Butler* and me were sent for; and there were some men procured to be our Bail;——but when I got out I found my Neighbours and Evidences were all gone. If property was of no Value to me before, it was less now. I looked on myself as a Captive among Enemy Indians, Nabobs, or Lord Inquisitors. I try'd the Lawyers, whether they were fond of greater Obligations; and, as I hinted before, my Senses was good enough; and I remembered the story of the Beaver, that when he was chased for his Stones, cut

them out, and threw them away. So I gave them what Notes or Bonds they pleased to write; for I never read or examined a Word in them.

At next Superior Court, before my Trial came on, these Obligations were demanded of me; but [51] I denied Payment of them, as I looked on them to be of no Force; and the Lawyers urged Honour in the Case.

Upon which I told them to quit the Obligations, and I would pay them as much as I could do with Honour, and without being laughed at for a Fool.

However, they have sued for the Obligations;——and for the Information of the Publick, and all Concerned for Justice, I would inform them, That our Law, by Chap. IV. in Section the 2d of Volume 1st, Page 111, allows an Attorney Thirty Shillings for a Suit in the General Court, and Fifteen Shillings in the County Court; which, as by the Preamble to the said Law may be seen, was thought sufficient to compensate an Attorney for his Trouble for prosecuting or defending any Suit or Cause in any of the said Courts in this Province.

And in Page the 10th of Volume the 3d, in 44th Section, a Lawyer's Fee is declared to be Thirty Shillings in the Superior Court; and in the Fee Bill, Attorney-General's Fee is to be in common Suits the same as another Attorney, which implies other Attornies Fees were ascertained. Neither are they authorized by any Law to take more; nor is there any other larger Fees any where established.

And by the Law, in Page 140, Section 11 any Person or Persons whatsoever are debarred from creating, making, demanding or receiving any other Fees than such, as shall be established by the Governor, Council and General-Assembly.

Here is no Exception made of Lawyers.——The Lawyers will attempt to urge, that any Tradesman has a Liberty to make a Bargain, and set a Price on his own Work, according as he does his Work;——for, say they, if we must be confined to the lawful Fee, we will do no more for that Fee than the Law obliges us to do.

To the first I say, No Tradesman could be at such Liberty were there the same Laws prohibiting [52] them, and setting Bounds to the Prices of their Work as there is to Lawyers Fees.——

Neither is there the same Reason to set Bounds to the one as there is to the other;——for if one Man will have Finery and Superfluity on a Piece of work, and pay a high Price for it, this does not oblige his Neighbour to do so too. Whereas by giving a larger Fee to a Lawyer than is sufficient to compensate him, taking one Action with another, for his Trouble and Expençe in prosecuting or defending any Suit or Cause, so far as is necessary and just, so far the Law obliges him to; (in Answer to the last Part of the Objection.) I say, by one Man's giving more, it is attended with this Evil; such Attorney can afford and will study so much Sophistry and false Arguments and Glosses, that will blind Influence and confuse the Jury, as makes it necessary for the other honest Man to run to the same Expençe, just to unravel and undo the false unnecessary Work the other has done; and in all this Cost and Expençe (which is not only their Fees) there is not the least Benefit; nor is it in the least conducive to come at Truth and Justice, but quite contrarily renders it obscure and Dark: And at best, where the Parties are equally yoked, it makes the same Justice costly and hard to be come at, and serves to encrease an unnecessary Number of Men, as Lawyers, who might be useful Members of Society in following other necessary Business. And this Evil has always been foreseen by all Legislative Bodies, who have bounded their Fees by the Laws.——But Man's Ambition, who are contentious one against another, has prompted them to such a willing Compliance to the Layer's Avarice, in Violation of those Laws, that in this Province, and perhaps all others, this Evil has grown so, that it Affects the peaceable honest Man so much, that the Lawyers has become the greatest Burden and Bane of Society that we have to struggle under; which Instances are so numerous, it would be tedious to mention more than a few Instances.

First, they have by these unlawful Means been impowered to calculate the Laws to suit their Purposes; and where a contentious Fellow owes an honest Man a just Debt, we will suppose it but Five Pounds, a Lawyer will have Thirty Shillings for this Cause in the County Court, and Five Pounds in the Superior if he appeals; where, if the honest Man gains his Action, he recovers Seven Pounds Five Shillings; and is Six Pounds Ten Shillings out of Pocket, and so recovers just Fifteen Shillings for his Five Pounds.



And where an honest Man is indicted by a Rogue, he must pay a Lawyer at least Five Pounds; and if he is acquitted or not, the Cost, besides Five Pounds, is the least they will look at now a-Days; and this every Year growing higher Ten Pounds, and Fifty Pounds in difficult Cases. And if a Lawyer may extort of me Five Pounds, why not Three Hundred or Five Hundred?——as in my own Case, for I was acquitted, as will be seen hereafter.

When a Man is guilty of a Crime, and pays dear for it, he has a Remedy wherewith to guard himself for the future, that is, to take Care and not be guilty a second Time; but an honest Man has no Refuge, but is liable to the same Cost every Year.

If a Man owes me a Debt of Twenty Pounds, I am sure to be three Pounds Ten Shillings out of Pocket; for no Lawyer will touch my Cause for less than Five Pounds; and I can recover but Thirty Shillings:——And many Times they ask Ten Pounds; and why not in Time grow as generally to Ten.

Now is it not strange what Custom will do; it is a second Nature, as it is justly called.——For in this Case the Lawyers have practiced taking Extortionary Fees so long, without being punished, either by the Penal Laws or Indictments, both which they are liable to; that they now are har[54]dy enough to attempt to recover extortionary Fees by the Law.

I hope the Province will not be long so grossly blinded: suppose I suffer now through the Stupidity which Custom has blinded us with.

The following is a Copy, off the Docket, relating to the Indictments at this Court against the Principal Persons, one on each Side, *viz.*

<i>North-Carolina, Hilsborough District.</i>	}	At a Superior Court of Justice, began and held for the District of Hilsborough, at the Court-house in the Town of Hilsborough, on the 22d Day of September, 1768.
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#### P R E S E N T,

The Honourable MARTIN EDWARDS, Esquire, Chief Justice, and MAURICE MOORE and RICHARD HENDERSON, Esquires, His Majesty's Associates, &c.

The King agst. <i>Hermon Husband.</i>	}	Indictment for a Rout.	}	Ignoramus.
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<i>Edmond Faning,</i> <i>George Henry,</i> <i>John Butler,</i> <i>John Lea,</i> <i>Zach. Rogers,</i>	}	Witnesses.
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Same agst. Same.	}	Indictment for a Rout	}	Ignoramus.
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<i>William Holmes,</i> <i>George Henry,</i>	}	Witnesses.
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[55] Same agst. Same.	}	Indictment for a Rout.	}	Ignoramus.
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Same Witnesses.

Same agst. Same.	}	Indictment for a Rout.	}	A true Bill.
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Same Witnesses.

And the Defendant, by his Attorney, comes and defends the Force and Injury, when and where, &c. and faith, that he is not Guilty in Manner and Form as the Plaintiff against him hath declared; and of this he puts himself upon God and the Country: Therefore let a Jury come, agreeable to Act of Assembly, to Recognize, &c.

The same Day came the Defendant by his Attorney; whereupon came also a Jury, viz. J—— M——, B—— W——, J—— K——, M—— R——, A—— H——, A—— W——, W—— D——, R—— K——, G—— R——, J—— B——, J—— M——, and

R—— W——,<sup>23</sup> who being elected, try'd and sworn the Truth to speak, upon the Issue joined, upon their Oaths do say, That the Defendant is not Guilty in Manner and Form set forth in the Indictment.——Therefore it is the Opinion of the Court that the Defendant be discharged by Proclamation, &c.

True Copy.——Test.

J. WATSON, Clerk.

[56] *North-Carolina, Hilsborough District.* } At a Superior Court of Justice, began and held for the District of Hilsborough, at the Court-house in Hilsborough Town, on the 22d Day of September, 1768.

# P R E S E N T,

The Honourable MARTIN HOWARD, Esquire, Chief Justice, MAURICE MOORE, and RICHARD HENDERSON, Esquires, His Majesty's Associates.

The King agst. <i>Edmond Faning.</i>	}	Indictment for Extor.	}	Pleads not Guilty.
				{ Jury impannelled and sworn, find the Defendant Guilty: Fined <i>One Penny</i> , and Costs.
Same agst. Same.	}	Indictment for Extor.	{	Same Plea.
			}	Same Entry.
Same agst. Same.	}	Indictment for Extor.	{	Same Plea.
			}	Same Entry.
Same agst. Same.	}	Indictment for Extor.	{	Same Plea.
			}	Same Entry.

<sup>23</sup> Since the MSS. records of this case are lost, the names of the jurymen can not be supplied.

Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
Same agst. Same.	}	Indictment for Extor.	}	Same Plea.	}	Same Entry.
[57] Same agst. Same.	}	Indictment for Extor.	}	Aute fau Convict.		

There are many more, but these may suffice, &c.

*William Butler* and two others were tried, and found guilty, and sentenced to lay in Prison some Months, and pay a large Fine;—— but at the Close of the Court, two of the Prisoners Broke out, and the third, though the Door was open, would not go till he got a Discharge.

The Governor's Men began to die with the Flux; and the Officers being found guilty, they grew generally very discontented and angry. —The Governor sent a Discharge after the two other Prisoners, and a General Pardon, excepting a few in a County, and disbanded all his Men.—Nor ever did Men look more sheepish and ashamed than they did as they returned, endeavoring to keep up their Countenance by Hooping and Hooraying for the Regulators.

On the Trial of one of the Prisoners for rescuing the Mare, taken for the Taxes, the Attornies mentioned that the Legality of the said Tax was Disputed; and one of the Judges, in Answer, said, That was not a legal way to dispute it; but if any one thought the Tax not legal, they ought to Indite the Sheriff.

This being observed by *Hermon Husband*, he consulted Attorney-General, observing it to him, who not only remembered the Advice but concerned therewith. Whereupon *Hermon Husband* indited one of the Sheriffs; who, being found not Guilty, sued the said *Husband* for a malicious Prosecution.——But the Assembly being soon called, and this being a material Point, and having received no Satisfaction either from the Governor's Answer on this Head, nor yet from the Proceedings and Examinations the Court made thereon, we particularly laid it again before the Assembly, [58] who there-



upon resolved, That Three Shillings of the publick Tax was wrong; or no more to be collected; Yet, notwithstanding, the Sheriffs continued to demand it of us.

At the next Superior Court, which was on the 22d. of March, 1769, we made some farther Trials at the Law, but met with less Encouragement of obtaining Redress in that Way than we had the Court before.

We minuted down some of the Trials, which was in Substance as follows.

On Trial, the King against E—— F——, <sup>24</sup> for Extortion in his having taken Six Shillings for Registering a Deed.——He urged in his Plea, that he was ignorant of the Law, in that he put another Construction on the Words, &c. and that he did apply to the County Court, and they judged that was Two and Eight-pence for the Deed, and two and Eight-pence for any other Writing and 7d. for the Certificate, and 7d more for recording the Certificate, in all Six Shillings and Six-pence; but that he had generously quit the Six-pence.

Now he had pleaded this like Cause several Times before, in one of which he had took Nine Shillings and Two-pence, pleading in that one Case there were two other Pieces of Writing.

Attorney-General, as he had done before, shewed the other piece of Writing, mentioned in the Table of Fees, to have no Relation to Deeds at all but Bills of Sale or other Papers that might happen to want to be recorded; and before he had observed that there was Certainty in the Matter at all, if it was allowed to make another Piece of Writing out of the Deed; for, with as good Reason, it might be divided into two or ten Pieces of Writing.

When Attorney-General was going to reply to the Plea of the inferior Courts Judgment, F——g stopped him; saying, I give up that, and lay no Stress at all on it.

[59] Then———rose up, and gave a Charge to the Jury, to this effect;——That though his own Judgment was one with Attorney-General, and the same he had Given on the like Occasion twice before, yet he would remind them of what C—— F——g alledged in his own Favour,—— and so recounted over how he had obtained the Judgment of the said Inferior Court,——who

<sup>24</sup> Edmund Fanning.

made the Fees out thus; for recording a Deed Two Shillings and Eight-pence, for the other Piece of Writing Two Shillings and Eight-pence, and for recording the Certificate Seven-pence, which makes (says he) Six Shillings and One Penny; so that in the Way they constructed the Words of the Law, he took One Penny less.

Here Attorney-General says it comes to but Five Shillings and Eleven-pence that way,——this putting him to a Stand,——F———g says, there was two other Pieces of Writing.—ay, says ———there was two other Pieces of Writing, which at Two Shillings and Eight-pence a Piece, with the Deed and Certificate, comes to———(here he figured a little) Eight and Seven-pence, and so according to this Way Colonel ——F———g took Two Shillings and Seven-pence, &c.

I have mentioned this to show the Difficulty and Uncertainty of these methods; by which like Method all our Officers make out their extortionary Bills, and scarce one of them can Make out a Bill twice the same Way, or any two to make out a Bill to come to the same Sum. I have seen them pinched here many a time, and not only in this, but when they have had a Bill in their Hand with the Sum in Lumps, they could not make it answer when they undertook to divide it into Particulars. In which Extremity, they generally tell me, that it takes a good Lawyer to make out a Fee-Bill; and that few Men in the Province could do it but Major M———, and [60] Mr. B———guin; and Intimated it as Vain and a Crime for any Common Man to pretend to understand the Fee-Bill.

But they have been put to it what to answer me, when I reminded them, that the Legislative Body calculated it for, and supposed every Man to understand it, and that it was a Pity every Officer could not carry Major M———, or Mr. B———n, in their Pockets.

However, to proceed to the Minutes of Trials, &c.

On a Trial, the King against John Wood, &c.

The King proved, that Stephen Jones, having a Writ served on John Erwin for a Debt of Six Pounds; that on serving the Writ Jones and Erwin agreed. But neither of them paying the Cost, this Sheriff, John Wood, served an Execution on Jones for the Cost, and took thereupon Fifty Shillings and Eight-pence, exclusive of Thirty Shillings, which Jones paid a Lawyer.

Attorney-General told the Court and Jury, that he had examined the Laws, and could make out no such Fees.

The Judge ordered the Defendant to make them out; whereupon the Bill was handed up to the Judge, and he separated the Clerk's Bill from the Sheriff's, and Ordered them to make out the Sheriff's Fees, he being only the Defendant.——The Clerk's Bill was Twenty-six Shillings and Eight-Pence, and when the separate Bill was handed up, the Judge asked, what is this Ten Shillings and Eight-Pence for?——And when the Defendant's Attorney says, for so and so, &c.——The Judge said, that is already Charged in the Clerk's Bill, and is Part of the Twenty-six Shillings and Eight-pence, which I have separated.

After some Time they handed it up again, but he returned it in the same Manner, saying, some other Part of the Twenty-six Shillings and Eight-pence, was still charged over again.

[61] The Defendant's Attornies, for he had two or three, took the Law-Book into the Bar, and kept working at it so long as tired the Judge so, that he began to complain.

Then one of the Attornies began to Read over the Bill, or say it over by Head, thus; there is One Shilling for a Bail Bond, and One Shilling and Four-pence, for serving a Declaration,——and was going on, when Attorney-General says, there was no Bail taken, nor no Declaration; the Case was immediately agreed, &c.

After a While, one of them again gets up, and says,——And please your Honour, I have found away to make it out, there was Two Shillings and Eight-pence for Commitment, and Two Shillings and Eight-pence, for Releasement.——But Attorney-General says, there was no Commitment in the Case, nor Bail, I am sensible. Where Bail is necessary, though a Sheriff don't take Bail, yet as he then stands Culpable himself, he might with some Reason charge for the Bond; but no Bail was necessary in this Case; the Action was immediately agreed.

The Defendant's Attorney replies, addressing himself to the Court; in the ordinary Course of Practice, Bail is necessary. And Mr. Attorney (looking at him) you allow all Fees to be due which should or ought to have been done.

Attorney-General replies, for my Part, I tell you I have examined the Laws, and can make out no such Fees.——But let the Jury

take the Law Book with them, and if they can make out such Fees, it is nothing to me; for my Part I can't: The action was immediately agreed.

Upon this the Judge gave the Jury their Charge, and told them they had to consider how much Terror Sheriffs must be under from the late Disturbances, &c. And that he had been informed their Salaries were low; so that they had this to consider, that whether, if the Sheriffs are too much dis[62]couraged, it would not be hard to get any to officiate.

The Jury found the Defendant not Guilty, and sealed up their Verdict till Court sat next Morning. But we being allarmed at such Proceedings, shewed the aforesaid Minutes to the Jury, and also to Attorney-General, with the following supposition; upon which the Jury Disagreed to their Verdict. And the Matter being debated over again, they found him guilty.

The Supposition was thus; with a little Amendment, *viz.*

Let us suppose this case had been between a Farmer, Plaintiff, and a Black-smith, Defendant.——The farmer proves that he sent to the Black-smith for a Colter; that he got one which was not steeled, and that the Smith dying immediately,——his Executors sent to the Farmer and demanded and received Thirty-four Shillings and Six-pence, which he had paid;—but now had sued them for wronging him.

The Plaintiff's Attorney informed the Court, that by the Smith's Book no such Account was to be found:——The Judge then desired the Defendant to make it out.——He produced his Account stated thus;

To a new Colter, Weight 10lb.	-	-	£ 0 15 0
To six Sharps,	-	-	0 3 0
To Eight Do.	-	-	0 4 0
To Laying the Colter,	-	-	0 5 0
To the Forge for 15lb. Iron,	-	-	0 7 6
<hr/>			
			£ 1 14 6



The Judge soon separated the last Seven Shillings and Six-pence, being twice charged, it being included in the first Fifteen Shillings. ———So then the Defendant's Attornies, allowing the Sharplings and Layings for granted, had to make out that Seven Shillings and Six-pence; and they [63] kept Searching the Book till the Judge's patience was tired, and he complained. Then one begins to say over the Account; there is a Shilling for a Key to every Colter, and One Shilling and Six-pence for steel. ———But the Plaintiff's Attorney says, there was no Key nor Steel in the Case. ———Then after some Time, says one of them, and please your Honour, I have found a Way to make it out; here is Five Shillings for making a Shear to the Colter, and Two Shillings and Six-pence for Steel, which is charged in most Peoples Accounts. ———But the Plaintiff's Attorney says, We had no Shear, no Steel nor Key; the Black-smith died immediately before ever the Colter was used, as has been proven. I am sensible that by a bad Heat a Black-Smith might put Steel on a Colter, which, possibly, might drop off before it came into the Owner's Hands; and it might possible be charged; But then the Black-smith stands liable to put it on, and make it good.

The Defendant's Attorney replies, And please the Court, in the ordinary Course of practice there is always a Shear to every Colter, and they are generally steel'd. And Mr. Attorney, (looking at the Plaintiff's Attorney) you allow that Steeling may be charged, though so badly put on as to come off; and with as good Reason it may be charged though not done at all, because in the general Course of Practice it ought to have been done, &c. &c. &c.

A Word to the Wise is sufficient.

By the Fee-Bill, the whole Cost of this Suit came to but Fourteen Shillings and One Penny, after reckoning up every Service that possibly could have been done, *viz.*

To entring Jones and Erwin on Docket,	-	-	-	£	0	0	7
Entring an Attorney; the Law allows nothing; but							
suppose	-	-	-	-	-	-	0 0 7

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Carried forward, £ 0 1 2

[64]	Brought forward, £								0	1	2	
To a Writ,	-	-	-	-	-	-	-	-	0	1	1	
To serving the Writ,	-	-	-	-	-	-	-	-	0	5	4	
To Calling the Action in Court,	-	-	-	-	-	-	-	-	0	0	4	
Sheriff returning it agreed; no Allowance in Law; suppose									0	0	4	
Entring the Action agreed,	-	-	-	-	-	-	-	-	0	0	7	
Calling it over agreed,	-	-	-	-	-	-	-	-	0	0	4	
									0	9	2	
Drawing Bill of Cost	-	-	-	-	-	-	-	-	0	0	7	
Issuing Execution	-	-	-	-	-	-	-	-	0	1	4	
Serving Execution, One Shilling in Pound,	-	-	-	-	-	-	-	-	0	0	6	
Tax-fee, if due,	-	-	-	-	-	-	-	-	0	2	6	
									£	0	14	1

The Governor had dissolved our Assembly, and granted us a new Election on the 19th of July, 1768, a little before which, the Regulators wrote the following Address to the Inhabitants in general.

To the INHABITANTS of the Province of  
*North-Carolina.*

Dear Brethren,

*Nothing is more common than for Persons who look upon themselves to be injured than to resent and complain. These are sounded aloud, and plain in Proportion to the Apprehension of it. Our Fearfulness too, frequently augment our real as well as apparent Dangers. Let us adjust our Complaints or Resentments to the Reality as well as the Nature of the Injury received.*

*Excess in any Matter breeds Contempt; whereas strict Propriety obtains the Suffrage of every Class. The Oppression of inferior Individuals must only demand Tutelage of Superiors; and in civil Matters our Cries should reach the authoritative Ear, when the Weight [65] that crusheth from the higher Powers.——But when imposed by the Populace, to the Populace our Complaints must extend.——When therefore the Cry of any City, Province or Nation is general, it must be generally directed to the Source from whence the Cry is caused.*

*The late Commotions and crying Dissatisfactions among the common People of this Province, is not unknown nor unfelt by any thinking Person.——No Person among you could be at a Loss to find out the true Cause.——I dare venture to assert you all advised to the Application of the Public Money;——these you saw misapplied to the enriching of Individuals, or at least embezzled in some way without defraying the publick Expenses. Have not your Purses been pillaged by the exorbitant and unlawful Fees taken by Officers, Clerks, &c.——I need not mention the intolerable expensive Method of Recovery by Law, occasioned by the narrow Limits of the inferior Court's Jurisdiction.——Have you not been grieved to find the Power of our County Courts so curtailed, that scarce the Shadow of Power is left. This Body, however respectable, is intrusted with little more than might pertain to the Jurisdiction of a single Magistrate, or at least two or three Justices of the Peace in Conjunction.——In Consequence of this, very small Sums drags us to Superior Courts.——These must be attended with all our Evidences, altho many at the Distance of 150 Miles. Add to this a double Fee to all Officers; hence we are made feelingly sensible, that our necessary Expenses, with the additional Costs, are equal, if not surpass the original Sum.*

*For what End was the Jurisdiction of the Courts reduced to such narrow Limits? Is it not to fill the Superior Houses with Business? Why has the Authority fallen upon this wonderful Expedient? Is it not evident, that this was calculated for the Emolument of Lawyers, Clerks, &c. What other Reason can be assigned for this amazing Scheme?——none Brethren, none!*

*Has not the Charges of Government been unnecessarily raised, to the great Encrease of the Publick Tax? Has not the Publick Money been intrusted in Hands of insuffi[66]cient Persons, without sufficient Securities, or due Care taken in accounting for, and recovering the same? Has not this often reduced us to the disagreeable Necessity of contributing or paying by Tax the Sum once raised——but through Carelessness or Neglect, or something worse, uselessly consumed? To what doth this tend? is not the Issue manifestly the Impoverishment of the Country?——fatal Consequences.*

*The Exorbitant, not to say unlawful Fees, required and assumed by Officers,——the unnecessary, not to say destructive Abridge-*

*ment of a Court's Jurisdiction,—the enormous Encrease of the provincial Tax unnecessary; these are Evils of which no Person can be insensible, and which I doubt not has been lamented by each of you. It must have obliged you to examine from what Quarter Relief might be found against these sad Calamities——In vain will you search for a Remedy until you find out the Disease.*

*Many are accusing the Legislative Body as the Source of all those woful Calamities.——These, it must be confessed, are the instrumental Cause; they can, yea do impose some of these heavy Burdens.——But whence received they this Power? Is not their Power delegated from the Populace? The original principal Cause is our own blind stupid Conduct.*

*If it be queried, How doth our Conduct contribute to this? Answer presents itself——we have chosen Persons to represent us to make Laws, &c. whose former Conduct and Circumstance might have given us the highest Reason to expect they would sacrifice the true Interest of their Country to Avarice, or Ambition, or both.*

*I need not inform you, that a Majority of our Assembly is composed of Lawyers, Clerks, and others in Connection with them, while by our own Voice we have excluded the Planter.——Is it not evident their own private Interest is, designed in the whole Train of our Laws?——We have not the least Reason to expect the Good of the Farmer, and consequently of the Community, will be consulted, by those who hang on Favour, or depend on the Intricacies of the Laws.——What can be expected from those who have ever disco[67]vered a Want of good Principles, and whose highest Study is the Promotion of their Wealth; and with whom the Interest of the Publick, when it comes in Competition with their private Advantages, is suffered to sink?——nothing less than the Ruin of the Publick.——Have we not hitherto, in a great Degree, chosen such Men as have been described? Nay, have they not been such as are dependant in their Fortunes, with great Expectations from others, or enjoy Places of Benefit and Trust in the Government? Doth not Reason declare we might expect such cringing Vassals would readily sacrifice the Interest of the Community to the Idol Self?——Are not such Persons utterly disqualified for supporting our Rights and Properties?——Is it not high Time to seek an Antidote against such deadly Poison, before it utterly destroys us?*



*But you will say, what is the Remedy against this malignant Disease?*

*I will venture to prescribe a sovereign one if duly applied ; that is, as you have now a fit Opportunity, choose for your Representatives or Burgesses such Men as have given you the strongest Reason to believe they are truly honest : Such as are disinterested, publick spirited, who will not allow their private Advantage once to stand in Competition with the public Good.*

*You grant the Prescription is sovereign : But how shall you obtain such ? I answer : Let your Judgment be formed on their past Conduct ; let them be such as have been unblamable in Life, independent in their Fortunes, without Expectations from others ; let them be such as enjoy no Places of Benefit under the Government ; such as do not depend upon Favour for their Living, nor do derive Profit or Advantage from the intricate Perplexity of the Law. In short, let them be Men whose private Interest neither doth nor can clash with the Interest or special Good of their Country.*

*Are you not sensible, Brethren, that we have too long groaned in Secret under the Weight of these crushing Mischiefs ? How long will ye in this servile Manner subject yourselves to Slavery ? Now shew yourselves to be Freemen, and for once assert your Liberty and main[68]tain your Rights——This, this Election let us exert ourselves, and show, that we will not through Fear, Favour or Affection, bow and subject ourselves to those who, under the Mask of Friendship, have long drawn Calamities upon us.*

*Should we now through Fear or Favour act as we have done, contrary to Duty and Interest ; so far as we do this, we contribute to all the Mischief consequent upon it.——Where then is that moving Principle Self-preservation ? Will you, can you, voluntarily submit yourselves to Ignominy and Want ? These will aggrandize themselves and swim in Opulence.*

*Have they not monopolized your Properties ; and what is wanting but Time to draw from you the last Farthing ? Who that has the Spirit of a Man could endure this ? Who that has the least Spark of Love to his Country or to himself would bear the Delusion ?*

*In a special Manner then, let us, at this Election, rouse all our Powers to act like free publick spirited Men, knowing that he that*

*betrays the Cause now betrays his Country, and must sink in the general Ruin.*

And as the Inhabitants of Rowan could get no Indictments preferred against their Officers in Salisbury District, they had sent to us, and J—H—r<sup>25</sup> went to their assistance; and by the Letter following you may form some Idea how Matters were carried on, *viz.*<sup>26</sup>

*Salisbury, September, 14, 1769.*

To Mr. HUSBAND, Representative for  
Orange County.

SIR,

Agreeable to the Resolutions of a Committee, held at Joshua T———'s,<sup>27</sup> last Month, about six or seven of us attended Salisbury general Court to indict our Officers; when, to our Astonishment, we found the Grand Jury to be Composed of our inveterate Enemies, and of such as has been our greatest Oppressors.——No [69] less than five of them were old Sheriffs.——In fine, there were but two or three but what were Limbs of the law.——However, we were resolved to try what Justice could be obtained, as we have been so often referred thereto by the Governor, and others of the first Rank in the Province, who had so repeatedly urged us to legal Steps, assuring us, we should every where obtain the highest Justice; and one had told us he always would be there and see that we had Justice: So relying on these Promises, and being conscious the Laws was against them who had so repeatedly broke them, besides the Cries of the People was so great, and Oppressions so many, that we durst hardly return home before trial made.——We applied to Mr. H———r, Deputy under Attorney-General,<sup>28</sup> he appeared well pleased with our Design, and assured us he would do all in his Power to serve us.

A Bill was Preferred against F———k,<sup>29</sup> for Extortion, in taking Eight Pounds Five Shillings of the Widow C———,<sup>30</sup> for the Cost of an Indictment against her. And the Bill found Ignoramus it was proved by the Oath of J——h H———n,<sup>31</sup> that he

<sup>25</sup> J——H——r refers to James Hunter.

<sup>26</sup> This is an abbreviated copy of the original letter which is in the *Colonial Records*, Vol. VIII, p. 68.

<sup>27</sup> Joshua Teague.

<sup>28</sup> William Hooper.

<sup>29</sup> Frohawk.

<sup>30</sup> Mrs. Coo.

<sup>31</sup> Joseph Harrison.

paid the Money for the Widow to the Sub-Sheriff for the use of the said F———k; and proved by the Oath of J———D———,<sup>32</sup> a Lawyer, that he got the Receipt of the Widow some Time ago, in Order to procure Redress for her; but that he had lost it; but that it was for Eight Pounds Five Shillings. And A———m———C———n<sup>33</sup> proved, that F———k asked him, when he was making out the Bill against the Widow, what Circumstances she was in; and he said in very good, and had money by her. If that be the Case, says F———k, I must double the Bill.

However, the bill was found Ignoramus, &c.

[70] This Letter was longer:——After giving an Account of several more Trials, and all found Ignoramus, they were informed by one of the Magistrates, which was confirmed by an Assembly-man, that the Jury was not the same Men which was appointed by Authority.

This Letter was read before our Assembly, and is in the Clerk's Office there.

Another Petition went from Hilsborough Court, which, after reciting over how much the Governor and Authority had recommended us to the Law, comes to the Matter in Hand, thus, *viz.*

So that to the Law we must go to find Redress. Accordingly to Law we went, and the present design of this Paper is, in as brief a manner as possible, to lay before you our Proceedings and Success therein.

Before the first Court happened, Troops were raising in all Quarters, as was said, to guard the Court.——The Effect of these Troops was, that every Man coming into Court was examined what Business he had. And every one who dared to own, that it was to complain of Officers, was ill used by the Guards and Soldiery, and scared away home;——but some few who would not be scared away was ordered out of town by the Commanding Officers at a few Minutes Warning. None could stay but Prisoners, and them denied of Attornies, unless they would give Bonds for Fifty and to Three Hundred Pounds to each Attorney.

But notwithstanding all which, by the Industry of one of the Prisoners, some was encouraged to come back, and three or four Actions

<sup>32</sup> John Dunn.

<sup>33</sup> Abram Casson.

against an Officer was tried, and the Officer convicted, who was fined One Penny, &c.

During the Time to the next Court, all other Officers, except this one, continued to take the same extortionary Fees as before: And no Troops being raised against us, at the next Court, People flocked in to make Informations. But besides the [71] Difficulty of attending Courts from thirty to sixty miles, and the Officers threatening to sue for malicious Prosecutions, and take all other Advantages of the Law.——Besides all this, the Attorney-General did not attend the two or three first days of Court; so that most of the People had gone Home.

Some Informations, however, was made after he came, and a few of them tried, in which the Officers was all convicted, except in one Instance, and immediately that one prosecutor was sued.—Minutes of some of those trials were took down in writing; in which are matters so curious, that we suppose Instances of the Kind are not to be found elsewhere.

Among other Things, that the Jury was picked, and calculated of such weak and low Capacities, that when they had agreed on a Verdict, and mixed among Men before they gave it in, by hearing others Sentiments, they disagreed to it when given in: And this was repeated so often, with such Marks of Incapacity mixed with honest Principles, that the Consequence was such Confusion and Contradiction, that the Jury was discharged at the Bar, after a Verdict agreed to, and then disagreed. And other Confessions, that two of the Jury overruled the rest; and the Action was continued to the next Court; and this court adjourned.

We found, afterwards, these two men of the Jury that overruled, were much prejudiced in favour of the Officers.——This Discovery put us on examining how the Juries were appointed, and finding that to be the Province of the Justices of the Inferior Court, we made some Complaints of this Usage to our Justices.——But hearing of the Proceedings at Salisbury before our general Court came on, we chiefly prepared ourselves for Observations, and the first we had to make was that the Chief-Justice and Attorney-General [72] in whom only we had much Confidence, that neither of them was at this court.



2d. We observed the Deputy Attorney, and both Associate Judges, lodged with him whom we looked on as our chief Enemy, and Cause of our Oppressions.——So that Men of common Modesty was deterred from applying to him.

3d. We observed the Petty Jury was not Picked this court, but the Grand Jury was to all intents.

4th. We observed no Petty Jury Causes were try'd this Court against Officers: So that poor Men, who had attended all last Court, and most of this, (before it was known) and thirty or forty Miles from Home, must attend a third Court.

Some, who had more boldness than others, apply'd to Deputy ——, and made Information against the Clerk of the Inferior Court for taking Three Pounds Four Shillings and Six-pence for his own Fee on a Common Attachment.——He told them he must have the Informations in Writing.——They found a Clerk, and carries it in writing.——Then it wanted a Date, or name, and then something else, till at length they got one almost right; but had gone from Office to Office so often, that one of the clerk's D——d them for a Pack of Sons of B——s, and denied serving them.

Deputy Attorney came also out of his Fortification into the Street, and complain'd he had been so much harassed, that he was almost sick.

The Bill against the Clerk and some more, being at length preferred, was all Ignoramus.

Next Day Deputy told W—— B——r<sup>34</sup> he would hear no more of us; and as W—— B——r made Complaint of this to the Court, Deputy said, it was a Lie; and that he only refused him on his ill Behaviour; and said he was an ill Person; running about, taking other people's business to do.——But in this he was mistaken for Butler's Business was his own; though some [73] of the other, according to the Governor's Directions, was willing to make Informations in Behalf of the injured. Some made Informations to single Justices for petty Fines; the Consequence of which was, Judgment went against the Defendant for the Fine, and against the Plaintiff for the Costs; and the Justice, with a Loud Voice, berating him for a mean pitiful Informer.

<sup>34</sup> William Butler.

Others applied to Attornies to bring Suit on the Penal Laws, when they not only found by a late Law, that the clerks of Courts were hedged in from the Force of the Penal Laws by ordering Suit to be brought against them by a Motion to Court, and the Justices to fine them at Discretion, if it appeared that they had wilfully extorted, &c. By all of which, we could understand the Prosecutor, as Matters now stand, would get his Labour for his pains, and the clerk's clear of any Cost, &c. &c.

This Letter, which contained much more, was also read before the Assembly in October, 1769, and is in the Clerk's Office there.

We draw now near to an End, for our Assembly was dissolved before they could do any Business of Consequence; so that all Things are left in Confusion and Disorder. We had thirty odd new Members this session; and we hope a few more of the old Ones will be left out against another. We shall conclude, with a Plea in Behalf of a Motion that was made in the House last Sessions for encouraging the first Settlers of the Back vacant Lands:——and two other Pieces, intituled, *SERMONS*; being an Abridgement of a Pamphlet of a late nameless Author.

The Order in which we shall Proceed in the Plea is, First, to give a Relation of the Circumstances that the Petitioners, (settlers on the vacant Lands in the Earl of Granville District) are in, and the Danger there is of their suffering Injustice.

2dly. To show that the Spirit of the Law, from the most unexceptionable Authors, is to do Equity [74] and Justice to the Poor, where the Letter of the Law may be wanting or against them.——A proper Work for Assemblies.

3dly. To shew, that it has been the Opinion of all the several Legislative Bodies, both of Great-Britain and her Colonies, that peaceable Possession, especially of back waste vacant Lands, is a Kind of Right, always looked upon quite sufficient to entitle them to the Preference or Refusal of a farther Title; and that Individuals should not hold unreasonable Quantities of waste Lands; and then conclude, with such Observations as may occur.

*First.* THE Earl of Granville's Lands, with all other Proprietor's lands, have been let out by a Public Office, without respect of Persons.——And the common Method that has been used by the Poor, and has been always countenanced and approved of, has been

to move out, from the interior Parts to the back Lands, with their Families, and find a Spot, whereon they built a Hut, and made some Improvements before they went to the Office for a Title, which is generally too or three hundred Miles off.——This Method has been used from New-England to Georgia, some Hundreds of Years past, even time out of Mind, and has ever been allowed of good consequence.

Now the Earl of Granville's Office, shut in such a Manner, that no one in the Province knew but it would open again every Year;——and no order were ever given to forbid such Method of Settling, so that all Sorts of People have continued to seat the Vacant Lands as usual, in full Confidence of the Preference of a Title; and have made such improvements as sells, one among another, for upwards of One Hundred Pounds, expecting the Office to open every Year;——but four or five years being now elapsed, there is so much of the Lands seated under these Circumstances, that Individuals in Power, and who has Money, are Marking them out [75] for a Prey; and are lodging Money, and making Friends with such as are likely to have a better Chance to hear, and repair to the Land Office, whenever it shall open,—if not even Repair to it in England.

Some Designs of this Kind we doubt is too true; and though it cannot be supposed that any Proprietor whatsoever but will incline to the same Principles of Justice and Equity that have been so long in practice; but the Danger is of their being imposed on: For late Experience, in Colonel Corbin's Time,<sup>35</sup> has shewn us, that though he professed, and always attempted to do this Justice, yet the Disputes and controversies became so numerous by the Country's encreasing so fast, and the Distance so far, that he could come at no Certainty in these Matters, and was obliged to quit it.——Which shows us, it is a Defect in Government, that no Provision is made in these Cases. Mr. Thomas Child<sup>36</sup> had very Particular and special Instructions to follow the same Principles of Justice; who told a certain Person, who applied to him in behalf of a good many Sufferers, that though it was his Lordship's earnest Desire to distribute the strictest Equity

<sup>35</sup> Francis Corbin, appointed Associate Justice in 1753 and agent of Earl Granville in 1751 to 1760 and of the Assembly in which he represented Chowan County from 1760 after an official examination of his official conduct. He was a member of the Council from 1751 to 1760 and of the Assembly in which he represented Chowan County from 1760 to 1765.

<sup>36</sup> Thomas Child succeeded Corbin as Granville's agent in 1759. He was also Attorney General from 1759 to 1766 and represented Chowan County in the Assembly of 1760.

and justice among his Tenants here, yet when he came to put it in practice, the Number of complaints, and vast Distance of the way, rendered it impracticable, by Reason he could come at no Certainty of the Truth.—And this will be ten-fold more the Case whenever the Office opens again.

The Method of Redress that is proposed is, to Pass a Law, that whoever among us shall enter such Improvements, over the head of any such peaceable first Inhabitant, either by himself or by Virtue of a Purchase, shall be liable to an Action at Common Law, and subject to pay the Owner the Value of his Labour, and Damages of moving to another Place, unless such Person had given six Months Warning before Evidences to such Inhabitant. Such a Law will no ways interfere [76] with his Lordship's Office, but contrarily prevent Disputes from appearing there.

To proceed to the second Head Proposed, I will recite a Passage out of the Fifth of *Nehemiah*, Governor under *Artaxerxes*, viz.

“A N D there was a great Cry of the People, and of their wives, against their Brethren the Jews; for there was that said, we our Sons and our Daughters are many; therefore we take up Corn for them that we may eat and live.

“Some also there were that said, we have mortgaged our Lands, Vineyards and Houses, that we might buy Corn because of the dearth.

“There were also that said, we have borrowed Money for the King's Tribute, (or to pay our Taxes) and that upon our Lands and Vineyards; yet now our Flesh is as the Flesh of our Brethren, and our children as their children; and so we bring our Sons and our Daughters to be Servants: And some of our Daughters are brought into Bondage already. Neither is it in our Power to redeem them, for other Men have our Lands and Vineyards.

“And I was very angry when I heard their Cry and these Words; then I consulted with myself, and I rebuked the Nobles of the Rulers, and said unto them, Ye exact Usury every one of his brother.—And I set a great Assembly against them, (Mob some calls it;) —and I said unto them, we, after our Ability, have redeemed our Brethren the Jews, which were sold unto the Heathen, and will you even sell your Brethren, or shall they be sold unto us?—Then



held they their Peace, and found nothing to answer. Also I said, it is not good that ye do; ought ye not to walk in the fear of our God, because of the reproach of the heathen our enemies?

I likewise, and my brethren, and my servants, might exact of them money and corn; I pray you let us leave off this usury. Restore, I pray you, [77] to them, even this day, their land, their vineyards, their olive-yards, and their houses, also the hundredth part of the money, and of the corn, the wine, and the oil, that ye exact of them.

"Then said they, We will restore them, and will require nothing of them; so will we do as thou sayest. Then I called the priests, and took an oath of them, that they should do according to this promise. Also I shook my lap, and said, So God shake out every man from his house, and from his labour, that performeth not this promise, even thus be he shaken out, and emptied."

The Justice done the Poor in this Passage far exceeds what is aimed at in this Motion. There cannot be the same Arguments used against us, as might and no doubt would have been in this mighty degenerate Age, had we petitioned for Relief in a full and similar Case.

It is to be feared too many of our Rulers have an eye to make a Prey of these poor People, because an Opinion seems to be propagated, that it is Criminal to cut a Tree down off the vacant Lands. Whether this Notion took its Rise from the great Men's making Tar and Turpentine on vacant Lands, which is a quite different Case, or from the Motive's above mentioned, I would advise no honest Man to suffer such an Opinion to take Place with him; for the Thing is so inhuman and base, that you will not find a man but he will deny and clear himself, or hide such a Design as long as he can, which must proceed from his Conceptions of the Heinousness there of.

Who can justify the Conduct of any Government who have countenanced and encouraged so many Thousands of poor Families to bestow their All, and the Labour of many Years, to improve a Piece of waste Land, with full Expectation of a Title, to deny them Protection from being robbed of it [78] all by a few roguish Individuals, who never bestowed a Farthing thereon?

And, 3dly, That this has been the Sense of all the British Legislations; and that the contrary Doctrine is as contrary to Nature and Justice as the Story of the Dog in the Manger. To evince this a

little, requires to be said no other than the constant Instructions to all his Majesty's colonies, though grossly abused; such as Head Rights, the Cultivation Clause, in all our Patents——and the Necessity of applying for an Order of council to obtain any larger Grants. Nothing is more hurtful to the Common Wealth, than for individuals to hold unreasonable quantities of lands, and rent them out to the Poor. A Traveller may know when he rides through such Lands, by the bad Husbandry and discontented Looks of the People. These Sentiments of Justice are so natural, that they strike every Man in the Same Light, and it is to be hoped will do so for ever.

## A S E R M O N<sup>37</sup>

GEN. 49th Chap. Verses 14, 15, and 21.

*Issachar is a strong ass, couching down between two burdens.*

*And he saw that rest was good, and the land that it was pleasant; and bowed his shoulder to bear, and became a servant to tribute.*

*Naphtali is a hind let loose: he giveth goodly words.*

We find it very usual in the Old Testament by the figure of a beast to point out the Image of a people.

The text under consideration, is perhaps as apt and lively a representation of Issachar's character, as any in the whole Bible, or any people whatsoever; and may serve to discover the people of Issachar's character down to this day.— [79] They were a tribe of Israel,——and an inactive people towards the good of posterity and mankind in General; they loved rest and present ease more than liberty, ——and choosed to be Slaves rather than exert themselves to maintain their liberties.——He saw the land was good, and rest was pleasant to him; he bowed his shoulder to bear, and became a servant to tribute to pay heavy taxes.——We have many such Issachars in this day.——Our text is a prophesy in the present tense,——a thing usual in the Hebrew writings,——it is Jacob foretelling the character of Issachar, and the contrary character of Naphtali.

<sup>37</sup> In this "sermon," as well as the one which follows it, Husband is a plagiarist, adopting both the style and the general ideas of James Murray's *Sermons to Asses*, a pamphlet published in London in 1768, and reprinted in Philadelphia by John Dunlap in 1769 and 1770 and in Boston by an unknown printer in 1770. Murray was a Scotch clergyman who organized an independent congregation at Almwick. The theme of his "Sermons to Asses" was the injustice of the discriminations against Dissenters, the incompatibility of an established Church with the church of the scripture, and the burden on the poor imposed by excise taxes. The work was dedicated to Rev. Messrs. G. W., J. W., W. R., and M. M., viz. George Whitefield, John Wesley, William Romaine, and Martin Madon. Husband, of course, abridges and also inserts illustrations from conditions in North Carolina.

Jacob is the first that is mentioned in scripture who preached to asses; but many have been thus employed since his time.——This is a most shameful monosyllable, when applied to reasonable creatures;——men endowed with reason and understanding to degenerate so basely; what a falling off is here!

He was a numerous tribe, far too many to be so mean spirited.——A nation of slaves is a kingdom of asses;——it is dishonourable rest and disgraceful pleasure that is established upon the ruin of the common weal.

What does these burdens mean, which Issachar couched down so decently under? Civil and religious slavery no doubt. Strange, that such a number of Rational creatures should bear two such insupportable burdens!——Ah, I had forgot that they were asses;——for, to be sure, no people of any rational spirit could endure such grievous bondage.

But who need wonder at Issachar's mean spirited condition, when many of those who have the light, and sit under the teaching of protestant and reformed ministers, have tamely couched down under these two burdens of civil and religious oppression.——Indeed this slovenly character too [80] well fits all Europe.——I wish it was gone out of the world.

A horse is a generous animal; tractable, but not abject;——so obedience to just laws, and subjection to slavery, is two very different things; the first characterizes a people wise and good, the latter base, mean spirited and servile.——It is understanding that makes men good subjects.——Ignorance makes them slaves.——A strong ass, in the original word, denotes strength, but implies leanness.——And truly all those who submit to slavery are poor. We have not a word of his motion;——he was strong, but not active to assert his rights and privileges.

Rest was pleasant to him;——and thus it happens now, we sit still at ease, trusting to the good of the land, and concluding, every one. I can live out my time in peace and quiet;——forgetting our posterity, and mourning not for the afflictions of Joseph.

When men thus degenerate, they will always find some ready to fix burdens on them; for slavery don't come in a day, it is a work of time to make men perfect Slaves.

Indeed when men are conquered and overpowered, and forced to submit to bondage, it is no crime; but when through laziness, and love of a little ease they give up the publick welfare, they are unworthy of the protection of Heaven for rejecting its Government, and giving way thus by little and little.

It is wonderful to think what custom will do; it is called second nature, and justly so, for thro' long use and habit, men will stoop to, yea help to fix on, their own burdens.

Issachar stooped down; he well deserved a heavy burden for his meanness;——it is a just reward;——for such as do not value freedom and liberty, before a little present ease, deserve to be slaves.——They are blessings too valuable to [81] be enjoyed without care and industry to maintain them.

Providence has ordered slavery to prevail on such as certainly, as cold and darkness does in a winter's night, that they who make no industry, must lay cold and grope in the dark.

It is amazing to think how creatures, of the same frame and constitution, endowed with the same power and capacities, should become so submissively the slaves of others.

When all the faculties, and passions are engaged in pursuing their various and proper objects, according as nature directs and requires, it will be a miracle if men do not jostle themselves clear of unreasonable burdens.——And any people or nation who have a true sense of property and liberty will be zealous to establish them for posterity, and seek to propagate them both at home and abroad.

These two burdens, civil and religious oppression, are laid on by the power of princes and the power of priests.

In the burden of civil oppression is contained so much as the prince and his officers have need of for all the purposes of their pride and ambition;—to which passions there is no end, but will comprehend Item for every thing a man possesseth.

And in the burden of religious oppression is contained so much as the priest-hood have need of for the same purposes;—whole pride and cruelty exceed that of princes.——In nations where it has had a growth, and where it prevails, such as in Popish countries, where this burden contains in it Item for all things in heaven and in earth, here you must believe nothing contrary to the judgment of the



church;—but must believe almost every thing else, however absurd,—the Bible only is excluded out of this heavy burden.

And in case any prove refractory, there is the inquisition, which has many spurs for such asses; and they may kick and spurn as they will, but may [82] as well think of bringing Rome to London as to think to throw of this burden.

Here is dungeons, where light or sun-shine never enter.——The very pictures of the mansions of the dead;——tortures, which furies in council only could contrive, are here the sad monitors of obedience to miserable mortals. Strange, that nothing else could be contrived to convince the consciences of men to believe the truth but what is fit for the most stubborn and slothful animal.——Can bodily torture convince the mind? Can hunger and pain reconcile contradiction?—Kind Jesus, this was never thy contrivance, whose law is love; whose conduct is all mercy.

How can kingdoms bear such a yoke? how can millions of reasonable creatures submit to such unreasonable slavery?

It must have cost much time and pains, and that too by help of some infernal spirit, to deprive men thus of their sense and reason:——the human mind is also subject to sad depravity to submit to such abject bondage and slavery.—Can it be natural to men thus to degenerate into a state of brutal stupifaction? So many millions of rational beings, endowed with moral capacities, having the full exercise of the corporal functions, to submit to be treated like brutes, what a shocking consideration? Could they not have freed themselves, by making use of those powers the author of nature hath endowed them with? Ah no! not now.——They have lost their guide, reason; that guide of mankind is enslaved, and held himself a captive by servile superstition.

But there is some original cause for this degeneracy from the pure principles of nature. The leaders of the people cause them to err;——Reason is duped by the passions;——for those who have address enough to command the one will also overcome the other; and when men's eyes are put out, they grope in the [83] dark.——Oh what can possess men in sacred offices thus to play the devil with their fellow creatures!

Interest, sordid self-interest is the cause;——the clergy, instead of pointing out the way of righteousness, do treat their congregations

like asses, and keeps them in ignorance.—But who gave them that right and such preeminence; are not all men equally free; hath not God of one blood made all the kindreds of the earth. But thoughtless mortals gave up their privileges through indolence and inactivity.——In Popish countries, where men are no sooner out of the hands of their nurses than they fall into the hands of the priests, whose leading maxim is to keep them ignorant, and abjectively submissive to all authority,—how can they understand their interest. But them who first gave up those privileges, justly deserve to bear a heavy burden.

But Italy and Spain are not the only places where people believe absurdities;—in a land where freedom has been the privilege and boast of every subject, we may, perhaps, find plenty of asses.

——You will say, not in America, a land renowned for all sorts of liberty;——A nation to which there is none equal upon the face of the earth, as we know of. In some provinces in America this may have been the case;——but we, in North-Carolina, are not free;——yet to the king, or to the plan of our constitution, nothing can be laid that tends to effect our Liberties.——But we have sold that liberty which our ancestors left us by this constitution to such men as have not the least pretensions to rule over us.

Are we free while our laws are disapproved of by nine tenths of us? ——Are we free while it is out of our power to obtain one law that is our choice?——Take out our oppressors themselves, and many of our laws are disagreeable to the inhabitants to a man: And worse than all [84] this, for bad as our laws are, the practice of them is worse, and our oppressors have got out of reach of them.

Kings who rule arbitrarily, generally claim their authority by some indefeasible right or other;——but those oppressors of ours have no other claim but a sale we have voluntarily made to them of our liberty.——But this was an unlawful bargain of sale; a drunken bargain.

Ye who, like Issachar, for the love of ease, or the gratification of some sordid passion, have sold your liberties, and submit to burdens, as unnatural as they are unreasonable.——your character is drawn in the text, to that of asses.——And worse than asses you are, who thus give up the cause of your country either to civil or religious dominators.

What a different sound has the character of Naphtali;——— Naphtali is a hind let loose; he giveth goodly words; he was an assertor of liberty.———God give all men a knowledge of their privileges, and a true zeal to maintain them.

Issachar, I wish thy children had all died in the first generation; ———for thy offspring is too numerous; they are in church and state; whoever will attend any place of concourse will find many of thy descendants so stupid, that they every day bring themselves under burdens they might easily prevent.

Some burdens are fixed on us by former generations, that the most industrious cannot get clear of now.———Heaven grant us help in this case.

But shurely we live under a government where grievances will be considered if faithfully represented;——and it is our own fault if we bear burdens. The bondage is heavy, and the cry has been loud; but proper means of redress is by too many neglected.———It is to be feared we are not all prepared for deliverance; for if we do not apply for it earnestly, we do but groan like asses and do not bestir ourselves.

[85] I shall now consider some grievous oppressions that we labour under.

2dly, Shew the reason and cause thereof;—and,

3dly, Consider a method to have them removed.

*First*, The Publick taxes is an unequal burden on the poor of this province, by reason the poorest man is taxed as high as the richest. Allowing the taxes to be all necessary, yet there ought to be some regard had to the strength of the beast, for all asses are not equally strong. We ought to be taxed accordingly to the profits of each man's estate. And as we have no trade to circulate money, this tax ought to be paid in country produce. There would be men enough to be found to fill all posts of office for a salary paid in produce, as any man can afford to officiate in an office for country produce as well as to farm or follow any other calling, the chief of which bring in nothing else.

This is a grievous burden on the poor, as matters have been carried on, for money is not to be had: And when a poor man's goods is distrained, the practice has been to take double, treble, yea ten times the value has sometimes been taken away.—And if they

complain, they are not heard; if they resist, they are belaboured like asses.

Merciful Lord, would any people rise in mobs to disturb a peaceable nation if they could help it! Who is more ready than the poor to venture their lives in time of war for the safety of the nation? nay it is pinching hunger and cold, brought on them by abuse of officers, that is the cause.

A few men may rise in a riot without a Cause; and disaffected lords and great men may have such ambitious views, encouraged by some enemy prince;——but for the generality of the poor of a Province to rise, there must be some cause; I dare say there always is a grievous cause.

Neither is it any reflection on the king, to say, the poor are oppressed; for he don't make our laws:——'Tis the subjects themselves, like [86] the fish, devouring one another, with this difference we are devoured by law.

The narrow limits of our inferior court's jurisdiction, and likewise of a single magistrate, is a grievous burden on both poor and rich; and more so as we are obliged to see lawyers; and in their demands they have got above the law, and have monopolized the whole power of the Courts into their own hands. Our burdens exceeds Issachar's; for truly we may be said to labour under three,——the lawyers use us as we do our flocks, they kill one here and there, or pluck us well, and then let us run a while to feather again.

We must make these men subject to the laws, or they will enslave the whole community.——General and private musters are also an unnecessary burden, especially in our large counties, the out sides of which have to ride from thirty to fifty miles; and the out sides of a county contain more than the heart. Going to one of these musters generally costs a whole week's labour.——And on the whole, costs the counties at least a Thousand Pounds each. A general muster is one week's loss in a year, which is one fiftieth part of the year.——Four private musters one week more, which is one twenty-fifth part.——Working on the roads and attending courts, will soon reduce it to one-twelfth part of our time.——And of what service is all this cost attending the militia law? It serves to bring custom to a few Ordinary-Keepers, and for a day of gaiety and feasting to a few



individuals, who have been vain enough sometimes to publish such a day's diversion in distant Gazettes.

With what indignation must a poor ass read such a paragraph of such vain boasting of such a crowd of poor asses, faint with hunger, cold and thirst, laying out two or three nights by a fire in the woods, to perform this journey; destitute even of a great coat or a blanket; and of no use under the sun but to make a show of grandeur to [87] a few who, perhaps, are the most unworthy in the county.

This excess has not been practised perhaps in many counties;—But it is not amiss to check it, lest it should grow, and you be tied neck and heels for the least affront, and made to ride the wood mare.——It is enough to make a freeman's flesh creep to read this law;——which might be more tolerable, were the people allowed to choose their own officers.——It would be needless to mention every circumstance of oppression in this, which is yet but the civil burden.

Next comes the religious;—In this many conscientious good men are debarred from the privilege of serving the publick.——Our ancestors secured us so well from this burden, that it is even a shame to see how we have let those laws creep in over us; which could not be done but under colour of our consent.

In Britain, the clergy endeavor to make us believe that tithes and church rates are of divine institution. This pretended right of demanding church dues, more than the secular power gives, is treating men like asses. Indeed it is depriving them both of their money and senses at the same time. Though men of any religion obey the laws when once made, yet they cannot believe the church has any other claim but what the Magistrate gives her;——yet, when they pay, they will both think and say they are ill applied, and the king is badly informed.——Christians, though they may bear burdens, when they can obtain no redress, yet they are worse than asses thus tamely to consent to creating of them;——and when they know they cannot be created without their consent.

To think the posterity of a people, whose fathers had purchased them a freedom with the price of their blood and fortunes, that they should [88] basely sell that freedom for a pot of ale, and a shake of the hand, in flattery and deceit, is a most shocking consideration.

What a weak religion must it be, that needs anything to support it but what proceeds from voluntary consent and good will. It is

strange that the Christian religion cannot maintain its ground by the same means that it gained it.

I was educated myself in the principles of the church of England, and have duly examined most other dissenting sects, and I can't say any of them is sounder or freer from error in their principles than she.——But this maintaining of the clergy, by establishment, suppose it don't corrupt a true minister, yet it is the very cause that makes ordinary wicked lazy men creep into orders, purely for a livelihood or office of profit, to get gain in an easy and lazy way.

And as to the different sects, I look upon all of them to have been by good men at first;——and we see they all degenerate in time as well as she.

These different sects and opinions are a balance to the sad depravity which the human mind is subject to; for had nature allowed it to have been possible for any one sect to have been so established by Law, as to have been wholly secured from the Attacks of, and from being exposed by dissenting sects,—— no absurdity in the world but could have been imposed on the human mind.——Neither do I know that it is an article of the church of England to force a maintenance for their Clergy; or that it is in any of their creeds, but rather a practice of Rome, kept up by the carnal men among them.——And I make no doubt but there is carnal men enough among the rulers of any of the dissenting sects to carry a majority among themselves to have the same establishment, could they perswade or have interest enough in the state to do it.——So that while I expose this antichristian practice, [89] I would not be understood to strike at the church of England more than any other that might have power to force the same maintenance.

When the Scriptures is given to make the man of God perfect, do not any sect whatsoever accuse them of imperfection when they make other fences against error, which are accounted more fit to guard men against heresy, than the scriptures themselves?

What occasion to introduce any other System of Religion either with or besides the scriptures, if they be sufficient to make men perfect in all things pertaining to godliness?——Do men think they can express themselves more intelligibly than the holy spirit, or commend the truth more clearly to other men's conscience?

2dly To proceed to the second head ;———The reason of all civil and religious impositions hath been the slothfulness of the people, ——who act like great men who commit the care of their estates to stewards. Such men as are intrusted by the community with their privileges, if they be not wise and good, will sell them, or give them away. And one cause of our complaints is, that we look not to our Business ourselves ; but think, as soon as we have elected civil or religious governors, we may fall asleep in pleasure, indolence and inattention.——When they degenerate into Tyrants, as much of the blame lays on the community as upon them ;——for had those who employed them watched over them as they ought, and given them timely admonition, they might have prevented them from ruining both their own souls as well as the publick interest.

The indolence of a people is a temptation to governors to turn usurpers.——In a free country like ours, where assembly-men are voted by a free Election, and are not to be perpetual, it would be easy to have all the laws agreeable to the Body of the people. We loose our liberty by [90] not asserting it properly.——It serves no purpose to cry out against government and officers if we don't properly bestir ourselves.

One reason why we have so few men who concern themselves properly in maintaining our rights, is a very capital error that prevails among most dissenting sects, that this is a business that belongs to the world.

Christians is the light of the world——this is a most certain truth ; and when the state is deprived of the light of so many christians as is among dissenters, her light becomes almost quite darkness. For there is a certain proportion of christians in all ages who ought to be the light of the world, and to govern the churches. The government of their particular churches, set up among one another, is only helps to the government over the whole ; and is no ways different in its nature. So that if it is necessary to choose christians to sit in synods, presbyteries, associations or yearly meetings, so it is necessary to have such in assemblies.

I shall now proceed to the 3d head, to consider of a method to remove these burdens.

When the time of an election comes on, and those men of the world, who rule by wealth, and whose business it is to corrupt their fellow

subjects, and cheat them by flattery and corruption; out of their liberty come to ask your votes,—— do you despise their offers, and say to them, Your money perish with you.

Can it be supposed that such men will take care of your interest who begin with debauching your morals, and ruining your souls by drunkenness?—Will that man have the least regard for your civil interest and property who first attempts to ruin your virtue?—— What opinion must they have of such people, who, for a few days riot and [91] gluttony will sell their liberties, but that they are asses, that want to be watered?

While men are thus slaves to their lusts, they will never be free. Men that do so easily sell their souls will not value their country. ——Where there is no virtue, there can be no liberty;——it is all licentiousness. What Issachars are such People who gives their votes for a man who neither fears God nor loves mankind! who, by the very method that he pursues to obtain his election, deserves to forfeit the favour and esteem of all lovers of virtue and honesty. Whom can they blame for their oppression but themselves; their own hands do make the fetters by which they are bound. Those who lay out so much money upon an election, has it in their view to make you pay for it in the round. Secondly, Forever despise that man who has betray'd the liberty of his constituents; this will lay a restraint upon the venal disposition of such as Incline to sell their country for Preferment. It would be a check to hinder them from going into the schemes of a Governor.——Never send those who depend on favour for a living, or on the perplexity of the laws, nor any who have ever discovered a want of good principles.

North-Carolinians, if you remain under these burdens, it must be your own faults;——you will stand recorded for asses to all generations if you do not assert your privileges before it is too late to recover them.

It is not disloyalty, nor injurious, to give Instructions to the candidates you choose, and take their solemn promise and obligation, that they will follow those instructions. This is far more noble than rioting a few days in drunkenness. Assemblymen are your servants, and it is but reasonable they be made accountable to you for their conduct.



Mark any clerk, lawyer or Scotch merchant, or any sect of men, who are connected with certain [92] companies, callings and combinations, whose interests jar with the interest of the publick good.—And when they come to solicit you with invitations to entertainments, &c. shun them as you would the pestilence.——Send a man who is the choice of the country, and not one who sets up himself, and is the choice of a party; whose interest clashes with the good of the publick. Send a christian, or a man whom, you think in your consciences is a real honest good man;——for this is the christian, let his belief, as to creeds and opinions be what it will.

Beware of being corrupted by flattery, for such men study the art of managing those springs of action within us, and will easily make us slaves by our own consent.——There is more passion than one that these men work upon; there is drunkenness, love of honour, flattery of great men, love of interest, preferment, or some worldly advantage.——They, by taking hold of these springs within us, insensibly lead us into bondage.

When any man, who has much of this world, so that his interest weighs down a great number of his poor neighbours, and employs that interest contrary to the principles of virtue and honesty, any person of the least discernment may see he is a curse to the nation.

When men's votes is solicited, or over-awed by some superiors, the election is not free.——Men in power and of large fortunes threaten us out of our liberty, by the weight of their interest.

North-Carolinians, Are you sensible what you are doing, when, for some small favour, or sordid gratification, you sell your votes to such as want to enslave your country?——you are publishing to all the world, that you are asses.——You are despised already by the sister colonies.—You are hurting your trade; for men of public [93] generous spirits, who have fortunes to promote trade, are discouraged from coming among you.

You are also encouraging your own assemblymen to enslave you; for when they, who are elected, see that those who had a right to elect them had no concern for their true interest, but that they were elected by chance, or power of their own, or some great man's interest, such men will be the more ready to vote in the assembly with as much indifference about the interest of their constituents as they had in voting them in.

You may always suspect every one who over-awes or wants to corrupt you; the same person will load you with burdens. You may easily find out who was tools to the governor, and who concurred in past assemblies to lay burdens on us, the edifice, paying the troops, the associates salaries, &c. Send not one of them ever any more; let them stand as beacons; set a mark on them, that ages to come may hold their memories in obhorrence.

May not Carolina cry and utter her voice, and say, That she will have her publick accounts settled; that she will have her lawyers and officers subject to the laws.——That she will pay no taxes but what are agreeable to law.——That she will pay no officer nor lawyer any more fees than the law allows.——That she will hold conferences to consult her representatives, and give them instructions; and make it a condition of their election, that they assert their privileges in the assembly, and cry aloud for appeal of all oppressive laws.

Finally, My brethren, whenever it is in your power, take care to have the house of assembly filled with good honest and faithful men; and encourage and instruct them on all occasions: And be sure to let your elections be no expense to them.

## [94] SERMON II.

NUMB. xxii. 21,—30.

*And Balaam rose up in the morning and saddled his ass, and went with the princes of Moab.—And the ass said unto Balaam, Am not I thine ass upon which thou hast ridden ever since I was thine?*

There must be some matter of importance on hand, no doubt, when a man of Balaam's character is up so early.——The king of Moab had sent for him, promising him riches and honour on certain conditions, *to wit*, if he would come and curse Israel.

The leaders and teachers of people in all ages have been well disposed to serve men in power.——We have seen the leaders of divers sects of christians, who was lately employed the same way;——But it is necessary to know first what this curse meant.

The greatest part of states-men in almost every age meant no more by religion than to make it an engine of state-policy, or a tool of secular interest; for the common people will not always submit to the oppressive means of rulers, without the help or the influence of their own teachers.——And we must observe, that though Balaam seems not to have been of the same religion of the king of Moab, yet many, or the greatest part of Balak's subjects, might have been of Balaam's religion, which made it necessary for the king of Moab to apply to him.

Had we as many to instruct us truly, as in fact we have to seduce us, we should find things very different from what they are;——for when both the civil and religious rulers are engaged in one interest to seduce mankind, if the Almighty was not at the head of the administra[95]tion, it is hard to say where the end might be.

Well, by the correspondence between the king of Moab and Balaam, we find the concern was about the growth and advances of an ignorant people, who had lately revolted from under their task-masters, the Egyptians.

Well, Balak, was it from thee, and thy prophet Balaam, that states-men have all learnt to apply to the prophets of all or any religion to curse and give a bad name to God's peculiar and chosen

people; which all such are, who engage together to throw off the yoke of slavery, and are advancing from under Egyptian bondage to a land of freedom and liberty?

Whether they learnt it from thee or not, they have never failed to join in an alliance on such occasions.

Israel, no doubt, had a good name among the king of Moab's religious subjects; for such would naturally, from a love of liberty, incline to favour Israel, and encourage them in their journey, rather than hinder them.——Therefore there must be some method found out to give them a bad name. Sermons must be calculated to render them odious, before he could raise troops, or raise his militia against them.——This was the curse Balak says, them whom thou cursest is cursed;—that is, give them a bad name, and preach against their proceedings, and all thy followers will engage with spirit and resolution against them.

Something like this we have seen in our day. Perhaps it happened with Balak (which obliged him to have recourse to Ballaam) as it did with the officers of our province, in the case of the regulation, that was, that his own prophets, perhaps of the established religion, told him, if he would do justice, and act fair and reasonable with those people, he need not raise a man against them.

[96] It is a wonder Balaam, who by all likelihood, was a dissenter, who generally are looked on to be more pious than those of an established religion, should thus fall;——but Balak tempted him with honour and riches.——A very strong temptation I confess, besides the novelty, for I suppose Balaam never received a letter from a governor before in all his life, nor ever had the honour to dine with one before.

Most people I find account Balaam a wizard or conjurer, rather than a good man;——for my part I see no reason from the Scripture account of him to think so, but that he had hitherto been a very good man. And though he was too far taken in this snare, yet he seems to have struggled hard, and stood to the truth, to the last, inasmuch that he lost his preferment.

If Balaam must be accounted such, a very bad man, because he fell before this temptation, what shall we think of our modern prophets, who did not hesitate one hour, but joined with a much less



temptation, (honour only, for I never heard of any money) and made no bones to curse, or give a bad name to a similar people; yea cut off some of their own members, and join with a sett of under officers, whose actions and extortions the laws, though handled by themselves, have condemned; and were it possible to reach the Royal Ear, with our just cries against them, He would abhor and detect their wicked combinations. Balaam, I confess, loved the wages of unrighteousness too much; his conduct with the Almighty seems to have been similar to some men who have too strong a desire after drink, or to gratify some other lustful passion, who will plead with conscience, and contrive a hundred ways to gain its consent.—I have heard a drunken man say, he has made excuses in himself to go out with his gun, and kept working all day in his mind, till he had got the tippling-house between him and home, when he has instantly got in a great [97] hurry to get home by the dram-shop, and arguing, that now he really needed one dram;—has got so blinded by this time as, like Balaam, no more to see the angel that stood in his way.

We generally get in a hurry of business before we can lose sight or get shut of our guide.—Lo, Balaam gets in great haste, was up early, and saddled his ass.

And no doubt but his heart was full of the hopes of the rewards, full of great expectations, and perhaps was telling over in his mind what large sums of money he should bring home, and how he should be honoured by the princes of Moab; and meditating, may be, what a pious work he would put the money to.—The lord had given him leave to go, but no doubt he ought to have kept cool and resigned, and not have got in such a hurry, and filled his mind with such proclamations, that he could not see his guide that was to direct his steps. Well, he is so blind, however, that conscience was invisible to him,——when, on a sudden, the ass started aside, and crushed his foot against the wall.

This ass seems to resemble the people over whom the prophets are wont to rule, who never are apt to start aside any more than asses, until the madness of the prophets become so visible, that forces one now and then to reprove them, who, perhaps, never opened their mouths before.

When the Lord opened the mouth of the ass to speak in human stile, one would have thought it would have frightened any man

almost out of his senses.——But Balaam was not easily frightened, but he was for caining and killing her.

So when any poor ass now a-days opens her mouth in human stile, or by way of teaching and reproving the rulers, they use him as Balaam did his ass, cane him with discipline, and threaten [98] him with excommunication as the pharisees did the man who was born blind.

And Balaam's ass spoke much like the complaints of an inslaved people.——Am not I thine ass?

Balaam had his ass saddled and prepared for mounting before he got on to ride;——so like-wise it requires some pains and furniture to prepare a people to bear a yoke of slavery.——In the civil administration, their general cry is to maintain courts of justice.——In matters of religious concern, it is necessary to have the people well perswaded of the rights and importance of the clergy, and the divinity of creeds and canons of churches, before they will submit to be mounted and ridden like asses.

The Jure Divino of episcopacy and presbytery are pieces of furniture that prophets prepare for their asses.——And when once they can perswade the people they have power to make laws that binds the consciences of the whole community, they have the seat of their saddle made.

Then they must have a deal of straps, girts and other furniture, as well to bind it fast on as to sit easy, commodious and decent;——besides, a staff in their hands to belabour such asses as start aside.

The discipline of churches, by which they issue excommunication and censures, resemble this staff; for it is evident, when christians begin to think for themselves, and question the infallibility of any of their laws or creeds, if they are ever so well convinced in their own minds, or if conscience stand ever so much in their way, as the angel before the ass, it is no matter of consequence to the prophets that rule them, they must suffer for their impertinence, and be belaboured for their disobedience.——And many complain as simple as the ass,——are not we your asses?

[99] There are some that start now and then, who continue on their way; they are ever crying out against degeneracy in churches

and church governors, but continue good subjects, and bear all their impositions.——These are braying noisy asses its true, but they mean nothing.——If they are started now and then by conscience, God's messenger standing in their way, yet a degree of sound discipline, which may affect their reputation or worldly interest, will make them return to the old path, and say, are not we thine asses; and be ready to make some other apology besides the truth for their conduct?

The articles and creeds of some churches;—and the Confession of Faith and Order of Baptism among the Presbyterians;——and the book of discipline, fringed with Barclay's Anarchy of the Ranters, among the Quakers, are like the two great laps of Balaam's saddle; ——all which is to be well girted on by the strong terms of words; agreement of the Westminster Divines;——authority of the wisdom of the truth, &c.——By such trappings as these, the clergy is supported; for they could not ride without their saddle.

Were the common people once to receive nothing as their creed but the Scriptures, the clergy would soon have no more authority than what their good service and good conversation procured them.——Good men will always respect them as long as they are examples of goodness, and condescend to men of low degree; but will laugh at clerical jurisdiction, and reject all religious dictators.

When mankind are once instructed in their natural and constitutional rights and privileges, they will not only complain, but struggle hard to get clear of oppression.

Wise men know what it is to obey just laws, but will never tamely submit to slavery and bondage; to submit to arbitrary government without re[100]sistance, argues the want of a sense of the rights of human nature, and of our constitutions.

The first slavery that men are generally brought under, is that of the mind; for while the mind acts freely, and is kept clear of the chains of ignorance and prejudice, it would be very difficult to enslave them.——It therefore requires the aid of false Teachers to seduce mankind before a state can deprive them of their civil liberties and privileges. It is a most certain fact, though not often noticed, that the blending of civil and religious offices, sacred and secular things, has been an introduction to slavery in all nations where arbitrary government has been introduced.

When ministers assume the province of a magistrate, to make laws, and punish dissenters, they come lords over the people in a double respect;— then men will not dare to express the Truth; because of a double danger of being heartily cursed by the priest, and severely punished by the magistrate; the mind being thus cramped in her operations, turns servile in her affections; the consequence is ignorance and bondage.

This alliance also makes the teachers indolent in the discharge of the most material part of their duty; which is to instruct men in the Principles of knowledge, and free their minds from the power of ignorance.——This they cannot do without first teaching them the rights of private judgment, and the liberty they have of judging for themselves in all things which respect the conscience. But when their advantage does not rise from their instructing mankind, but in keeping them ignorant of their true interest, they will seldom be disposed to teach them what would soon let them into the secrets of their policy.——For did men understand their own liberties, the clergy would have no asses to ride upon to carry them to riches and preferment.

[101] If mankind considered themselves equally concerned with what pertained to their conscience, and that they must answer for themselves in the day of judgment, they would never give consent to such an alliance, where the right of individuals to judge for themselves in matters of the last consequence is entirely taken away.

It matters not a pin what religion it is that is established; for if the civil power would make a law for circumcision, and annex emoluments to it, the prophets would train asses to submit to the slavery.

Even among dissenters, where the clergy get money only by voluntary consent, it is evident that too many men of hypocritical and corrupt principles do creep into these livings: And though many more make a pretty good figure of christianity in common calm times; yet when Balak tempts, or persecution threatens, they give way.——None but a true minister of Jesus Christ will venture their lives and fortunes for the sheep, or for their privileges and liberties;——and this number is generally very small, while the others are very numerous, by reason they have so much encouragement; for there is scarce a man, of ever so mean a character, who



assumes the prophet, but will find plenty of asses to answer his purpose.

But who would think that any of this character could be found in America, the very toast of nations for pretensions to freedom and liberty?——Yet, true it is, herein we may find slaves in abundance; and more particularly in this province. Here we shall find men called freeholders, voting contrary to their consciences, bearing burdens like Issachar through their own sloth and want of spirit.——Here we may find justices of the peace who dare not discharge their consciences, nor make use of their own judgments to administer justice, for fear of the power and frowns of lawyers.——Here we shall find [102] men called free-thinkers conforming to other men's creeds.——Here you may find oaths and tests imposed to keep conscientious good men from serving the publick.——And here you may also find many of the sons of Balaam to break the stubborn and perverse temper of untractable asses, having in custody all the trapping and furniture fitting to keep them in order.——Here you find some staggering under a burden of taxes;——Some under restraints not to speak, or even swear the truth; some with articles of religion, some with tests, some with creeds and covenants, and some with oaths; and upon the top of these burdens, in order to guide the asses, some of Balaam's children always sitting: Who, at every threatening of their tyrannical masters, after starting a little, returning and saying, Are not we thine asses, upon which thou hast ridden ever since we were thine?

### *The E N D.*


*P. S.* There is one thing more that I think necessary to inform the publick of, which is this; When we were so discouraged and attacked by our officers, Scotch merchants and Balaams, as you may see before, and at the meeting of 21st of May, No. VII, We at that meeting came to a resolution, that if the governor was against us, and we could get no redress no way, we would, rather than rise in riots, agree not to go to law at all, but leave our Differences to arbitrations; and accordingly we had a subscription paper for that purpose: But when it was read, our opposers seemed to resent it as more criminal than all we ever had done before.<sup>38</sup>——Howell, who waited

<sup>38</sup> Rednap Howell, the poet of the Regulators.

on the Governor at Brunswick, had this paper with him; and as he was complaining of the court, &c. the governor says to him, Why does the people go to law one with another? if they get so little justice at the law, can't they leave their differences to arbitration.

[103] Howel replies, We intend to do so, and have a paper drawn up for that purpose; which, if your Excellency pleases, you may peruse, and give it your approbation.—The Governor read it, and got in as great a passion with it as our officers did; and ordered Howel to burn it,——which I suppose he did; for it was never seen among us since.—But at our last sitting in Assembly, we having sent a bill to the upper house for a single justice to try Five Pounds and a Bill laying greater Penalties on lawyers for extortion, and for better explaining the former law in that case;—But as the bills were detained, the same expedient presented itself to the members, and a large number out of the house concluded to enter into such a resolution to recommend it to their constituents not to trouble the law at all, and so starve out our adversaries, similar to the general resolutions of non-importation of British goods.—But many being taken sick, and the Governor dissolving them, every one being in a hurry home, I suppose it was forgot.

I being informed that the very same thing was on foot in several counties in Maryland, and on my relation of these motions with us, the Marylanders begged me to push that motion, for that if ever it took place in one province it would take immediately in all; for that the Oppression we sustain by the lawyers combinations, and usurpations over the law, and ingrossing the whole business of the courts into their own power, is one of the greater evils we labour under, and are in danger of; therefore I have accordingly added this to remind our members, and their constituents to give them in charge, not to forget this another time.

 The reader may easily observe, the foregoing piece to be an unfinished work, not only because the scene is not ended, but, even so far as we have gone, it is like a rich lady stripped of her rich attire and ornaments, and reduced to the [104] habit of a slave; or like a confused handful of rich kernels picked out of the sheels.——The occasion of which was the necessity we were in to pick out only the most material parts of what would have afforded a much larger and necessary piece, and that not only to save the expense, but,

in reality, because we were pinched for time and opportunity.—— So that we expect this affair will not end without further particulars worthy of notice; which, perhaps, will be hereafter published with a second edition of this with an addition of its ornaments and attire.

To fill up this last half sheet, we will add so much of a piece that our Governor sent to our last assembly as we can insert in it; which will show that our jealousies of the bad application of the publick money were well grounded; the piece is as follows, viz.

*North-Carolina, Newbern, October 31, 1769.*<sup>39</sup>

The Fact is too well known to admit of a Denial, that in a long Course of Years past, great Sums of the Public Money have been lost by the Negligence or Insolvency of Sheriffs, and other Collectors, with their Sureties.

And it is presumed, that in the same Course of Time, considerable Sums have sunk, after they were lodged in the Public Treasury, whereof no Account has hitherto been made.

A Law of this Province, lately passed will, if executed with Vigour, probably, in a great Measure, prevent, for the Time to come, the first of these Mischiefs; and a Law to prevent the latter, might be of great public Utility, for Mankind never part with their Money, either for private or public Benefits, so readily, as when assured that it must be honestly applied for the Purposes intended.

A constant, regular, plain, and uniform Method of keeping the Books of Accounts of the Publick Revenue, and of stating and settling these Accounts, may prevent such Abuses, and make it extremely difficult, if not impracticable, to embezzle the Public Money.——

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<sup>39</sup> An extract from Governor Tryon's Memorandum. *Colonial Records*, Vol. VIII, p. 94

## IX

### HERMON HUSBAND'S "FAN FOR FANNING AND A TOUCHSTONE FOR TRYON," ETC. (1771)

#### INTRODUCTION

This pamphlet, like the preceding, has for its subject-matter the Regulation. It was published originally in ten separate numbers which were then bound into one. The contents, however, are not so original as the *Impartial Relation*, much of its information being derived from the earlier tract. Questions regarding its publication are perplexing. As the title page indicates, it was issued in Boston in 1771, at "the Printing-office opposite the seat of William Vassel, Esq.; at the head of Queen Street." But who was the proprietor of the "Printing-office" is unknown. Though there were in 1771 three printing shops on Queen Street, none of them answer to the description or location given on the title page. It is quite probable that the publisher was Isaiah Thomas. In October, 1771 he was moving his establishment from Union Street to a new site at the southwest corner of Marshall's Lane, and he may have temporarily occupied the building "opposite the seat of William Vassel, Esq. at the Head of Queen Street." The immediate reason for suspecting Thomas to have been the publisher is that the first advertisement of *Fan for Fanning* appeared in his newspaper, the *Massachusetts Spy*, on October 17, 1771. It reads as follows:

*Boston, October 17th, 1771.*

Now preparing for the PRESS, And will be published in Numbers, weekly.

A FAN for FANNING, and a TOUCHSTONE to TRYON, being an Account of the Rise and Progress of the so much talked of REGULATION in North-Carolina; which ended in a civil War; the first perhaps ever heard of in America, among those who call themselves Christians; and may an over-ruling hand of Providence so order the affairs of government as that it may be the last. It will be published in half sheets, in such manner as that when compleated, it may be bound in a small octavo volume. It will come out on Fri-



days, and may be had the Printing-office at the head of Queen-Street, for so small a price as 2 d. lawful each number.

N. B. The first number will come out tomorrow week.

One week later, October 24, this advertisement was repeated, with a postscript that "the first number will come out tomorrow"; and in the issue of October 31 it was again repeated with a postscript that "the first number came out last Friday." Thus, at least, the actual date of the publication of the first number is ascertained, which was October 25, 1771. Although a notice of the forthcoming pamphlet also appeared in the *Boston Gazette* on October 21, it is logical to assume that the earlier notice in the *Massachusetts Spy* was due to the fact that the publisher of that paper was also the publisher of the pamphlet. Certainly Isaiah Thomas might have had an interest in affairs in North Carolina. His paper was established in March, 1771 and in the seventeenth issue, that of June 27, there was an account of the measures taken against the Regulators with a denunciation of Governor Tryon, signed "Leonidas." When a copy of that issue reached New Bern, a public meeting was held at which resolutions were adopted vindicating the character of the Governor and requesting that the copy of the *Spy* be "publicly burnt under the gallows by the common hangman." Indeed, according to the *Boston Gazette*, Thomas himself was burned in effigy.<sup>1</sup>

The *Fan for Fanning* was once reprinted, in the *North Carolina University Magazine*, Vol. VIII (1858-59). Only one copy of the original edition is listed in the published bibliographies and that is in the Library of Congress; by permission, it has been followed in this reprint.

For information regarding the advertisement in the *Massachusetts Spy*, I am indebted to Mr. Worthington C. Ford, of the Massachusetts Historical Society.

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<sup>1</sup> *Colonial Records of North Carolina*, X, pp. 1010-1024.

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---

BY REGULUS.

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B O S T O N :

Printed and Sold at the Printing-Office, opposite the Sign  
of William Vassall Esq; at the Head of Queen-  
Street. 1771.

# INTRODUCTION.

## No. I.

It will be readily granted, that the task of an Historian is a difficult one, and that because of its being almost impossible to obtain good, and proper information; nor does this always arise from a design to deceive in them, who furnish materials for History; but from an aptness in Men to inform us, not of the facts as they are in themselves, and immediately connected with their circumstances and causes, but of the impressions made upon their minds, by the effects of civil and political conduct. Hence it is, that one Historian is called a Jacobite, and a Tory, and another a Whig, and a friend to his Country, and an impartial writer; when such declarations do not ascertain the real character of the writer, they serve only to inform of what side and opinion He is, whom we hear thus judging, and what are the feelings of his mind. But however difficult the task, the advantage of having even an imperfect History is so great as to be a sufficient counterpoise, and determine them, who have it in their power, to inform their Country, as fully as they can. And this it is that hath prompted me to undertake to give an account [v] of what has been called the Regulation in North-Carolina.

I Have no fondness, with Authors in general, to preface the Work, by telling the reader, that he has nothing to expect, that I am engaged in other Avocations, &c. Because I think that an affront to Men's understandings, and is in other words saying, that the Book is not worth a reading. I intend to do the subject all the Justice I can, and leave all to judge of the merit of the Work for themselves.

I Will also let the reader know my authority. I have, in my Hands, an account of all the affairs in Orange-County, in which place the Regulation has made the most noise. It was written by one who speaks thus of himself, viz. "The truth of the whole cannot be denied; but if it should, this I am sure of, that I never can be convicted in myself, wilfully and knowingly, either of having con-

"cealed a truth, or of setting forth an untruth. And likewise, that "I have been so well acquainted with the whole affair, that I think "no Man in the Province could give a better (that is a more authentic) relation of the matter."<sup>1</sup>

It is often a Question with readers who is the Author? For answer, in the present instance I can inform them, that the Author above quoted, was esteemed a good, sensible and honest Man in the place of his nativity. One anecdote of his Life will give the reader an idea of the Man. He is the eldest Son of a reputable Farmer, who died suddenly possessed of a large landed interest, and without leaving a Will. Which interest, by the Laws of the Province in which he had lived, fell to the eldest Son, our Author, who was, at the time of his Father's Death, in North-Carolina, where he had, with much industry and care, made a good Settlement for himself and family. Upon the death of the Father, the rest of the children sent for their elder Brother to come and take possession of, and settle their Father's effects. He came, and finding that his Father had made no Will, said, "It could never have been the intention of my Father, "that I should have all his landed Estate, and my Brothers and Sisters none." Therefore, he sold the whole Estate, save a small Farm, or tract, of about 200 Acres, which his Brethren and Sisters desired him to keep, and made due distribution of all the Monies arising from the sale of said Lands, to the great satisfaction of all his Brethren and Sisters. This shows that he was a *Just* Man, and one that loved Virtue more than riches.

I am the more pleased with this part of our Author's character, as a similar conduct, in the character of the great Philosopher, Doctor Francis Hutchinson, Professor in the university of Glasgow, is much magnified, and pointed out as a remarkable and almost singular instance of disinterestedness.

Having known something of our Author, it may be proper in the next place, as leading to our principal subject, to say something of the settlement and inhabitants of North Carolina. Its name points out the Prince that granted the Charter of the Province, who was Charles the Second. After his restoration to the Crown of England. The [vi] grantees were the Earl of Claradon, Duke of Albemarle, Lord Craven, Lord Berkley, Lord Anthony Ashley Cooper, Sir

<sup>1</sup> This is Husband himself, the quotation being from the introduction to the *Impartial Relation*.



George Carteret, Sir William Colleton, and their Heirs. The patent or grant appears to have been an *Exclusive* one; for the first Government was a kind of sovereignty; but this kind of regency proving very troublesome, the proprietaries, all save one, sold the Lordship to the Crown, and it has ever since been a royal Government. It was settled, as most new Countries are, by those who *would not live in their own place*; who sat down upon the Sea-Coast, or places contiguous to navigable Water. And such has been the fate of Newbern, and other places, in North-Carolina, that for many Years they were accounted an Asylum for all such as fled from their Creditors, and from the hand of Justice, and such as would not live without working elsewhere. Men regardless of religion, and all moral obligation. Hence it was, that refugees from the western Governments, and from *Connecticut*, found a safe retreat in North-Carolina; particularly on the Sea Coast, and places adjacent. The settlement of the inland Country has been very slow, till since the last War, when families from Virginia, Maryland and, the lower government, Pennsylvania, Jersies, New-York &c, have moved down, five or six hundred in a season; by which Orange County was populated; and by good industrious labouring Men; who knew the value of their property better than to let it go to enrich, Pettyfogging Lawyers, extortionate and griping publicans or Tax gatherers, and such as delighted in building Palaces, at the expense of the honest Farmer, and Tradesman.

[vii] The above picture may perhaps be supposed too strongly represented, the dark part set too much to view. And therefore drawn by the pen of bitterness. If such thought should occur to any reader, I have only to ask of him, that he would suspend a judgment in the case, until he has heard the whole matter, and if then he shall think the writer deserving censure, he will please to remember that he who has seen, and heard from the sufferers own mouths must have feelings different from him who reads only, and that with a persuasion, that a bad story, however true, ought not to be told, especially when it effects publick characters.

The writer has tho't it proper to give this short general description of North-Carolina, to prepare the mind of the reader, as well as to enable him to form a right judgment; as many things will occur in

the course of these papers, that to a Man of Massachusetts will seem *unaccountable*. And perhaps nothing more so, than that from the year 1765, the people in different parts of Carolina, appear'd against, openly against the most flagrant breaches of all law, on the side of the civil officers, and were not able to obtain any the least relief; and their complaints beginning at that time, show that the oppressions were of older date, and makes it probable that the Æra of Carolina's misery commenced at that period, when the great Col. Fanning, and the Magnanimous Gen. Tryon, mistaking the designs of nature, in their formation, by a marvellous Metamorphosies became Politicians.

One hint I think necessary to give the reader in this introduction, and that is, that Gov. Tryon does not appear to have acted in any part of his character which concerned the Regulators, under [viii] ministerial influence, save what might have been the effects of his own, and his Tools representations to the King's Ministers; but rather appears to have been so great a Fool, as to have been led by Fanning, or that he and Fanning with the rest of the civil officers were leagued together, Knaves alike, to fleece the people that they might build palaces, &c. For Fanning, when he arrived in Carolina, seven or eight years ago, was poor; he had before he left Carolina, the last summer amass'd a fortune, of near ten thousand pounds Sterling, and all out of the people, as will appear by and by.

How unfortunate is that Prince, who is sorely wounded thro' the side of base designing wretches, who prostitute all things sacred and civil to deceive their King, and to get into places of important trust; and because they have spent much time in basely sycophanting to a noble Lord, and prostituting the honour and virtue of their family connections, when in place, run hard to bring up lost time, and the King's good subjects are made their beasts of burden and of prey.

How fortunate, on the other hand, is that Prince, and happy the people, when he that governs, is a wise and good man, and one who knows the bound of the peoples privilege, and limits of the rulers power. Should not they who are thus happy, prize and love such an one, and in every instance avoid giving him pain, remembering his anxiety and solicitude, for the prosperity of the King, his Master's subjects.

*To be Continued Weekly, on Fridays.*

# A Fan for Fanning, and a Touch- Stone to Tryon.

(No. II.)

It was said, in No. I. That the Inhabitants of North-Carolina in general, had not any just sense of religion, and that disturbances existed on account of the oppression of the people, long before the regulation, or any such thing took place in Orange County. For the first of these the writer can declare from his own knowledge, to which he will add the testimony of a North-Carolina Man, in his own words; with this observation, That although to argue from particulars to universals, be inconclusive, logically speaking; yet in the instance before us, and in the instance similar to it, we may, because we judge right in determining the disposition of readers by the composition that pleases them.

The testimony above adverted to, is taken from a Granville paper, and is intitled, "A serious address to the Inhabitants of Granville County, containing a brief Narrative of our deplorable situation by the wrongs we suffer" "And some necessary hints, with respect to a reformation."<sup>2</sup>

The writer of said piece having spoken on the nature of law in general, and of the laws and constitution of North-Carolina in particular, showing the excellency of the constitution, proceeds, in his address to the people, thus, "Well, Gentlemen, it is not our form or mode of government, nor yet the body of our Laws, that we are quarrelling with, but with the Male-practices of the Officers of the County Court, and the abuses we suffer by those that are impower'd to manage our public affairs; this is the grievance, Gentlemen, that demands our serious attention. And I shall show you that most notorious and intollerable abuses have crept into the practice of the Law, in this County, and I doubt not into other Counties also; though that does not concern us.

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<sup>2</sup> Reference is to the *Address to the People of Granville County* (1765) by George Sims, reprinted in the last issue of the REVIEW, pp. 57-67.

In the first place, there is a Law which provides, that every Lawyer shall take no more than fifteen shillings for his Fee in the County Court. Well, Gentlemen, which of you has had his business done for fifteen shillings? they exact thirty for every Cause; and three, four, and five Pounds for every Cause attended with the least difficulty; and, in the Superior Court, they exact, as Fees, almost as many Hundreds; and laugh at us for our stupidity and tame submission to these damn'd, &c.

Again, a poor Man gives his judgment Bond for five Pounds; which Bond, is by the Creditor thrown into Court. The Clerk of the County has to enter it on the Docket, and issue Execution, the work of one long Minute, for which the poor Man has to pay the trifling Sum of *forty one Shillings and five pence*. The Clerk, in considera[11]tion of his being a poor Man, takes it out in work, at eighteen pence a Day. The poor Man works some more than twenty-seven Days to pay for this one Minutes writing.

Well, The poor Man reflects thus. At this rate when shall I get to labor for my Family? I have a Wife, and a parcel of small Children suffering at home, and here I have lost a whole Month, I don't know for what; for my Merchant, or Creditor, is as far from being paid as ever. However, I will go home now and try, and do what I can. Stay Neighbor, you have not half done yet. There is a damn'd Lawyer's Mouth to stop yet; for you impower'd him, to confess you owed this five Pounds, and you have thirty Shillings to pay him for that, or go and work nineteen Days more; and then you must go and work as long for the Sheriff for his trouble; and then you may go home, and see your Horses and Cows sold, and all your personal Estate, for one tenth of the Value, to pay off your Merchant. And lastly, if the Debt is so great, that all your personal Estate will not do to raise the Money, then goes your Lands the same way, to satisfy these cursed Caterpillars, that will eat out the very Bowels of our common Wealth, if they are not pulled down from their Nests in a short time. And what need I say to urge a Reformation? If these things were absolutely according to Law, they are enough to make us throw off all submission to such tyrannical Laws; for were such things tollerated, it would rob us of the means of living; and it were better *to die* in defence of our Privileges, than to perish for want of the means of [12] subsistence. But as these practices are contrary to Law, it is our duty



to put a stop to them before they quite ruin our County; and before we become Slaves to these lawless Wretches, and hug our Chains of Bondage, and remain contented under these accumulated Calamities.

I Believe there are few of you that have not felt the weight of these iron Fists. And I hope there are none of you but will lend a hand towards bringing about this necessary work, (viz. a reformation): And in order to bring it about effectually, we must proceed with circumspection, not fearful, but careful.

First, Let us be careful to keep sober, do nothing rashly; act with deliberation.

Secondly, Let us do nothing against the known established Laws of our Land, that we appear not as a faction endeavoring to subvert the laws, and overturn the system of our government. But let us take care to appear what we really are, *Free Subjects by Birth*, endeavoring to recover our lost native rights, and to bring them down to the standard of Law”.

So far the Granville paper; from which it appears, that there have been the same evils elsewhere with those which produced uneasiness in Orange County. And that they never thought of destroying the Constitution, as has been said by G-v-r T-r-n’s Tools.

The Writer of the above cited address to the Inha[13]bitants of Granville was indicted for libelling the Officers, &c, and imprisoned. This happen’d in the Year 1765. And the law-suit was not ended in the beginning of the Year 1770.

In consequence of the above address, &c. the people of Granville. petitioned the legislative Body for redress of grievances, and against the male-practices of the Officers. The consequence of which was, that the Officers sued the Petitioners, and brought their Actions against them as Libellers; which action shared the fate of the former, i. e. was in suspense in the year 1770. The Officers in the mean while, carrying on their old Trade of oppressing and griping the poor Inhabitants. Nor did the evil arise from Lawyers, &c. demanding exhorbitant Fees, and refusing to do the peoples business until they had what they asked; this perhaps may be answered with a *Let them not employ Lawyers*; but they must employ Clerks to register their Deeds, &c. and these men have demanded six times the legal Fee, and will not do the business for less. And what is the consequence? The Land becomes forfeit. The Clerks, and Lawyers, &c. watch their

opportunity and seize the forfeiture and possess the Lands, and the people, when they have improved them must turn out, or pay for them the demand of these Men. These, I say, were not the only evils complained of; great levies were raised from the people, and no accounts given for what use. And therefore it was, that not only Granville, but the Counties of Brunswick, and Cumberland, in the year 1766, refused to pay the Tax-Gatherers; nor was their refusal treated with [14] sword and cannon; be the reason what it may, perhaps these Tax-Gatherers had not *yet* let G. T. into the secret of getting rich at the expense of the people, under the plausible pretence of raising publick monies. Perhaps conscious guilt stopt their mouths. Whatever the reason, it appears that there was no publick resentment (resentment of Government) expressed until Orange-County began to be uneasy, and would no longer bear Oppression; similar causes producing similar effects; Orange, without even knowing the state of the other Counties, attempted, as they say themselves, "to plead their own Cause at the bar, against Extortion", at which time, some persons from the borders of Granville told them "they feared *that* matter would ruin some of them, for that just such a cause had been undertaken in Granville County some years ago, and that they were at Law about it to that day". But why so displeased with Orange-County, and not with the Rest? No other County was bless'd with a FANNING, whose rigid Vice could not brook a Detection; and whose despotism would not suffer him to think the men that chose him their Representative *His Equals*, whose proud Heart would not bear the instruction of *His Constituents*; for this seems solely to have been the Cause of his high Dudgeon; though we will not say, that there was not a design formed particularly against Orange County, because the body of its Inhabitants, were Dissenters from the established Church of England. If there was no such Design, why were not Granville, Brunswick and Cumberland, where Quakers and Baptists are not so numerous, treated with the lenient Measures of Powder and Ball. If there was no Design [15] why did Fanning project the Scheme of a College, and form a Plan, which in itself, if not altogether impracticable, was most absurd, He, in the Charter of which, places himself at the head of the institution, *an Excellent Chancellor of a College*, and the Rev. Joseph Alexander, next to himself, in the Faculty. What was this for, but to bring over

the Presbyterians to his side, against their Brethren of other Denominations\*: And with the same spirit and Design, the Gov. gives Commissions making one Col. Alexander, and another Capt. Alexander, another Alexander Esq. Justice of the Peace, &c. &c.—And all this to *take in* a large body of Presbyterians, settled in Orange-County since the last War, that they might be ready Tools of the Junto, to serve as pack-horses, to do their drudgery; and this unriddles the affair of “*Thousands coming in and taking the Oaths to Government*”, those who had been bought by Commission and Professorships in this, curiously projected, Fannian College, this Castle, or rather College in the Air; *they came in* and took the Oaths to Government, and poor, ignorant people, dependent on Esq; such a one, Col. such a one, they follow, and Gov. T——n has the Satisfaction of seeing hundreds daily coming in and submitting, many of whom, would for a morsel of Bread take the Oaths to Gov. T——n to Day, to the Pope tomorrow, and for a bottle of Rum, to the grand Turk the Day following.

Having taken this general view of the state of Affairs in North Carolina, from which it appears, that there was a general oppression exercised upon the People, whether the effects of a concerted scheme or no, let every one determine for himself; [16] we return to the affairs of Orange County in particular. The Inhabitants of which, as we before said, labour'd under accumulated calamities. Their first step was to do themselves justice in the Courts of Law, in which they fail'd, after spending much Time and Money. And from what the People say, it appears that such was Fanning's interest with the Gov. that he could turn out of Commission any one he pleased; the truth of this will be seen, in the course of these papers. Therefore he necessarily must have an influence upon Court, proportion'd to their love of official Dignity. And this will account for the strange conduct of the civil Courts in the County of Orange.

Having no hopes from appeals to the Laws of their Country, the enquiry was, what shall we do? shall we tamely submit? If we petition the Legislation of the Colony, we may judge of the Success we are like to have, by what we have known, in the case of our Neighbours of Granville. What then remains! After many con-

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\* Reference is made to the Charter of Queen's College in 1770, *Colonial Records*, Vol. XXV. p. 519.e.

ferences, on the subject of their grievances, they came to this Resolution, To address public Officers, particularly the civil Magistrates, Assembly Men &c. And, if possible to have matters fairly look'd into and settled; that if their complaints were just, the causes of them might be removed; that if their jealousies were groundless, they might be convinced of it, and made quiet.

*To be CONTINUED Weekly on Fridays.*



# A Fan for Fanning, and a Touch- Stone to Tryon.

(No. III.)

In the western, and southern Provinces, they know not of the Government of Towns by Select-Men, &c. Nor of chusing Jury-Men, the Sheriff of the County summoning whom he pleases, in all the County, for that service; hence it is that County Courts are places of great concourse, People from all parts of the County flocking thither, some for the Business of the Court, others for Trade, and many for sports and diversions—Therefore proper places for collecting the sense of the Body of the People, as well as for doing such Business as concerns the whole. And this gives us the reason of the Conduct of a number of respectable Inhabitants in Orange County, who form'd the Address, mention'd in No. II. and, at an Inferior Court, sometime in the Summer of 1766, read it in the audience of all the People, and presented it to their Representatives, and to the Magistrates of the County. I chuse to give the Address in their own words, that the reader may see and judge for himself of what spirit they appear to have been, that they were not all Fools, and Madmen, having a mischievous Design against the Government, as has been often said by Fanning, &c.

[18] *The A D D R E S S.*

“That great good may come of this great design'd evil, the Stamp Law, while the Sons of Liberty withstand the Lords in Parliament, in behalf of their true Liberty, let not Officers under them carry on unjust oppression in our own Province; in order, thereto, as there are many evils of that nature complain'd of in this County of Orange in private amongst the Inhabitants, let us remove them—Or if there is no cause, let us remove the jealousies out of our Minds. Honest Rulers in Power, will be glad to see us examine this matter freely—

And certainly there are more honest Men among us than Rogues; yet Rogues are harbour'd amongst us sometimes almost publickly.

Every honest Man is willing to give a part of his Substance to support Rulers and Laws, to save the other part from Rogues; and it is his Duty, as well as his Right, to see and examine whether such Rulers abuse such Trust; otherwise, that part so given may do more hurt than good.

Even if we were all Rogues, in that case we could not subsist, but would be obliged to frame Laws, to make ourselves honest. And the same reasoning holds good against the notion of a Mason-Club.

Thus tho' Justice must be desired by all, or the greatest number of Men, yet when grievances of such public Nature are not redress'd, the reason is [19] what is every Body's Business is Nobody's. Therefore the following proposals are offered to the public, viz. Let each Neighbourhood throughout the County meet together, and appoint one or more to attend a general meeting on the Monday before next November Court, at a suitable Place, where there is no Liquor, (Strong Drink); at which meeting let it be judiciously enquired into whether the Freemen of this County, labour under any abuses of Power, or not; and let the same be notified in writing, if any are found, and the matter freely conversed upon, and proper Measures used for amendment.

This method will certainly cause the wicked Men in Power to tremble; and there is no damage can attend such a Meeting, nor nothing hinder it but a cowardly, dastardly Spirit; which if it does, at this time, while Liberty prevails, we must mutter and grumble under any abuses of Power, until such a noble Spirit prevails in our Posterity; for take this as a Maxim, that while Men are Men, tho' we should see all those Sons of Liberty, who have just redeemed us from Tyranny, set in Offices, and vested with Power, they would soon corrupt again and oppress, if they were not called upon to give an Account of their Stewardship".<sup>3</sup>

Thus did a number of Freeholders, Inhabitants of Orange-County, in the name, and by the consent of the People in general, solicit their Representatives, &c. to meet their Constituents, that they might have an opportunity of mentioning their jealousies, and of telling wherein they thought [20] themselves aggrieved; proposing, that if it should

<sup>3</sup> See *Colonial Records*, Vol. VIII, pp. 249-250 and *An Impartial Relation*, pp. 9-11.

appear necessary, to endeavour for a new Election of all those Officers that by the Constitution were Elective; such as Assembly-Men, Vestry-Men, &c. and this leads us into an understanding of some expressions in the proposals, or address, viz. "There are more Honest men amongst us than Rogues, &c." It seems that Fanning, and others of the Officers had impressed the minds of the People, in general with a belief, That such was the union of Brotherhood, founded in Masonry, that extended itself into all parts of the County, that it would be vain for the Planters, or common People, to make any attempt, by an election, either to turn the present Officers out, or to chuse others, from amongst themselves, into Place, or Office; And therefore it is that the authors of the address assert that there are more honest Men among them then Rogues; For if these Men, in Office, are Masons, as they call themselves, and the consequence to us is oppression, and no justice, they must be Rogues; and upon the supposition that it be so, that we, the Country, are not equal in number, to these combined men; yet, if we are all rogues, there must be Law, and all we want is to be Governed by Law, and not by the *Will* of Officers, which to us is perfectly despotick and arbitrary; for we are made to believe that to be right and legal, which they say is so; and it is but seldom these Gentry will condescend to tell us what is Law, but, *Pay me so much Money*, is their usual manner of accosting us; and if we say, we will not pay until we know what it is for; away goes the horse to the Post, for sale, or the man to [21.] Prison; though the latter is seldom the case; that not being the way to enrich the Tax-gatherer.

The above address being read in the audience of all present at the Court, Mr. Lloyd, one of the Representatives of Orange-County, declared his approbation of it, and the rest acknowledged the reasonableness of it; in consequence of which, Mr. Lloyd, fixed the day of meeting, to the tenth of October following.

The People, being thus encouraged, met in several Neighbourhoods, and jointly agreed to chuse certain persons, who should be a Committee from each of them, to meet on the day appointed, and form something like a general assembly of the County, by their deputies. The form of their resolves, or agreement, was as follows, viz. "At a meeting of the Neighbourhood of——the 20th of

august, 1766, unanimously agreed to appoint W. C. and W. M. to attend at a general meeting, on the 10th of October, at the place fixed upon by Mr. Lloyd, and others, where they are judiciously to examine whether the freemen of this County labour under any abuses of Power; (and in particular, to examine into the public Tax,) and inform themselves of every particular thereof, by what Laws, and for what Uses it is laid; in order to remove some jealousies out of our minds.”<sup>4</sup>

“And the Representatives, Vestry-Men, and other Officers are *requested* to give the Members of said Meeting what information and satisfaction they can; so far as they value the good will of eve[22]ry honest Freeholder, and the executing publick Offices, pleasant and delightsome”.

In this situation, Matters rested until Oct. 10th, the Day appointed, when twelve Deputies from the People met, but not one of the Officers appeared. Towards the Evening, Mr. James Watson, of what Character or Office does not appear, came with a Message from Col. Fanning, one of the Representatives for the County, That he, Fanning, had always intended to have met the People, according to his repeated Declarations and promises, at the time and place above mention’d; but that he had a Day or two ago observed the word *judiciously* in a paper drawn up by the People of Deep-River settlement; which Fanning said, mistaking it, either wilfully or ignorantly, for the *judicially*, signified, by a Court Authority; this, with many other Reasons, equally frivolous, Watson said Fanning gave for his not attending; and, in short, says he, Col. Fanning looks on it as an Insurrection, &c. And therefore it is true what was before said, that Fanning’s haughty, despotick, and Tyrannical Spirit could not bear the instruction of his *Constituents*. Nor would he that they should know by what Laws they were govern’d, or any thing respecting the Government; but that the People should tamely, like Asses couch under their Burdens, and submit themselves a willing Prey to Officers.

Somewhat nettled at the neglect and contempt with which they had been treated, the Deputies of the Neighbourhoods drew up a second Address to their Representatives, &c. A copy of which fol-

<sup>4</sup> See *Colonial Records*, VII, p. 251 and *An Impartial Relation*, pp. 11-12. “W. C.” is William Cox and “W—M.” William Mossett.



[23.]lows, viz. "At a Meeting of the Inhabitants of Orange County, &c. for Conference (not rebellion) with our Representatives, &c. on publick affairs, &c.

"It was the Judgment of said Meeting, that, by reason of the extent of the County, no one Man in it, in a general way, is known by above one tenth Man of the Inhabitants: for which reason, such a Meeting for a publick and free Conference, yearly, and as often as the Case may require, was absolutely necessary, in order to reap the Benefit designed us in that part of our Constitution, of chusing Representatives, and knowing for what uses our Money is called for. We also conceive such Representatives would find themselves at an infinite loss to answer the design of their Constituents, if deprived of consulting their Minds in matters of weight and moment.

And whereas at the said Meeting, none of them appeared (tho' we think properly acquainted with our appointment and *Request*) yet, as the thing, (viz. the instructing and conferring with Representatives) is new in this County, (tho' practised in older Governments) they might not have duly considered the reasonableness of our *Request*. We therefore conclude, that if they are hereafter inclinable to answer it, that we will attend them at any other time and place, on their giving proper notice".

"It is also our Judgment, that on further deliberation, the Inhabitants of the County will more generally see the necessity of such a Conference, [24.] and the number increase in favour of it, to be continued yearly".<sup>5</sup>

These are their own Words, given in their own form of them; and are we to judge of the Authors as Madmen, insurgents, Rebels, plotters against Government in Church and State, designing to kill, and Murder, and plunder, as they have been represented by Col. Fanning, I don't say, the G——r, because, his fault, at this Period, seems to be chiefly Indolence; list'ning to Fanning, and giving himself no concern whether the People complained justly or unjustly.

In this piece we see the desire of the People to have their affairs well and peaceably settled. Fanning objected to the place of Meeting; they say now, they will meet Col. F——g at any time and place he shall appoint giving them proper notice.

<sup>5</sup> This is also quoted in *An Impartial Relation*, pp. 12-13.

The reason of the last Paragraph, in the last mentioned Address, viz. "The Inhabitants of the County will more generally see, &c.—was, that by the assiduity of Col. F——g, and his Creatures, in soothing some and threatening others; shewing favour to such as sided with them against the People; and treating with uncommon severity, and oppression all them that opposed them, they had so discouraged the People that they appeared much more remiss than before, and here the matter, for the present, dropt—And no more was said of it on the part of the People.

*To be CONTINUED Weekly on Fridays.*

A  
Fan for Fanning, and a Touch-  
Stone to Tryon.  
(No. IV.)

Men seldom give up any natural perfect Right, without some degree of Reluctance; but, *of two Evils choose the least*, is so plain, and easy a truth to human Nature, that her feelings dictate an attention to it: Thus it was with the People in North Carolina; they were fully possess'd of an absolute Right of instructing their Representatives, they were sensible of it; but they saw that they could not *at this time* exercise their Right—And they chose to suspend an attempt of enforcing it. One reason that operated much against them was, they could not get an Attorney in all Orange-County, that would appear for them against Extortioners; this supposes that there was a combination of some sort, or that Fanning's influence was very great.

Thus the People saw their Money taken from them and they *must* not know *for what*; Nor can they know by what Laws, they are govern'd; obliged to sit down tamely, and bear the insolence of Officers, and the gripings and oppression of Sheriffs, Under-Sheriffs, Vestry-Men, Tax-gatherers, &c. &c. &c. Had Col. F——g<sup>6</sup> been a wise Man, [26.] he would have profited by the conduct of the People, and would, as he might have done, have taken this opportunity to fix himself in the good opinion of his Electors: but his ideas of Despotism, were too sublime to suffer such an Indignity as had been offer'd by them who believed him not omniscient; for this seems their Crime, as they say, “No Man in the County is known of more than one tenth of its Inhabitants,” and such Representative would find himself at a great loss if deprived of an Opportunity of consulting his constituents—Therefore F——g, not contented with having put a stop to the People, and having robbed them of a perfect natural Right, his “discreet and steady” Soul, as G. T. calls him, breathed

<sup>6</sup> Edmund Fanning.

Vengeance, Destruction and Poverty to these insolent Men that dared to suspect him, and attempt to call him to an account. The Consequence of which was, "that the Bomb Sheriffs now grew more and more insulting, taking unusual Distresses for Levies: taking Double, Treble, or four time the value; and bearing all they took off to Town, thirty, forty, and sixty Miles; treating [the People with remarkable Crossness, taking] by-paths, and other Ways than those they had promised to go in; so that those who follow'd, with design to redeem their Goods, could never overtake them".<sup>7</sup>

These Goods thus taken, were all sold in Town at under Rates; and this became a constant Trade, so that the People of the Town, Officers, &c, who gloried in the spoils of the honest Planters, depended on these Sales to raise them fortunes"—[27.] And from the Dutch-Folks, and such as were ignorant, they took Four-pence, Six-pence, and a Shilling, in their Tax, more than from such as knew more of the Nature of Taxation; and they, the Tax-gatherers, never returned any overplus".<sup>8</sup>

It has been said, "The People knew not by what Laws" they were governed. This may seem strange to them who have it in their Power to consult Lawyers, and Law-Books when they please. What has been said respecting the Manner in which these People were treated by the Lawyers shows that they had nothing favourable to expect from that Quarter. And the following Fact will show how industrious certain Characters were, to prevent a Knowledge of the Law from spreading among the People". Some Months, after all was still, on the part of the People, there happen'd to come out a new Collection of the Laws in one Book; two Farmers took a Copy of the Fees, out of it, for recording Deeds of Conveyance; and carried said Copy with them to Court, August 1767. They offered the customary Fees for recording and proving their Deeds, that were taken in other Counties, though what they offered exceeded the lawful Due; at the same Time offered to pay more, if any of them, the Officers would show any Law for more".

"This was done in Court; upon which, the Man was asked, how long it was since he had commenced Lawyer? The Man, not chusing to be laugh'd out of his Money, or rather chusing to be govern'd by

<sup>7</sup> *An Impartial Relation*, p. 15.

<sup>8</sup> *Ibid.*



Law, and not *Will*, persisted in desi[28.]ring to know by what Law he was refused having his Business done, when he offered *More* than the legal Fee. Upon which the *Right worshipful Court* threatened him, for standing as they said, in Contempt of THE COURT, which obliged him to withdraw. Here is one Instance of the *unaccountable* Conduct of the civil Court, in Orange County, mentioned in a former Number of this Paper.

"The Person who had got this Law-Book being half Owner of it, had it at Court, and it was handed about among the People; which the other Owner knowing of, and being one of the Court, and on the Bench at that Time came immediately out of the Court, and calling his Partner in the Book, to one side, earnestly desired him to keep the Knowledge of the Book being handed about, among the People, *a secret from the rest of the Court*. The other replies, I have given such a caution already to them to whom I lent the Book, for I see *how Matters stand among you*."<sup>9</sup> By which he meant that an honest Man could hardly live among them. The reason of the above caution was, the Magistrate, who was part Owner of the Book, knew that F——g and the rest of the Court could tell who lent his Book to the People; because they knew who had and who had not these Books; there being but a very few of them suffer'd to go into the Country, and these only into the Hands of them who were *known* by the Junto. Though they were sometimes mistaken, yet they cured the mistake as soon as possible; therefore it was, that the Magistrate, part Owner, of the abovemention'd Book, was for his kind Office, *turned out* [29.] *of Commission*. And this accounts for what was said before of F——s influence with the Governor. It shows also how very careful the civil Officers were to make the Law a Secret; and this may account for what the People say of a Mason Club, whose system is Secrecy.

About this Time, an Act of Assembly pass'd, to render the Business of Tax-gathering as early as possible; in Consequence of which the Sheriff of Orange County advertis'd as follows, viz. "Whereas, by a late Act of Assembly, the Sheriffs of the several Counties in this Province, are obliged to attend at five different Places in their County, at least two Days at each Place, at some time between the

<sup>9</sup> *An Impartial Relation*, p. 14.

first Day of January, and the first Day of March, in order to *receive* the publick County, and parish Taxes;

I hereby inform the County of Orange, that I intend to comply with my Duty in attending according to Law, at Times and Places hereafter to be advertis'd; and that every Man who fails paying their Dues, at these Times and Places, is, by the same Law, obliged to pay me *Two Shillings and eight Pence* extraordinary; which Sum I shall demand, without respect to Persons; whereof every one concerned is desired to take notice.

"And should any Person imagine, that it is sufficient if they have the Money ready, when I or my Deputy comes for it. I advise them to be provided with *Two Shillings and eight Pence* for the Visit.

From their humble Servant,

*Tyree Harris.*<sup>10</sup>

[30.] The remark of a certain Inhabitant of Orange County on the above Advertisement was, "Every one could see how insulting this was, as well as an attempt to make Asses of us; for no one but had Sense enough to know this new Law was calculated for the Sheriffs ease; and instead of being so careful to Word his Advertisement, that "the Sheriffs were obliged to attend", he might have said, The Asses were obliged to bring their Burdens to him, in order that one of the Deputies might collect the whole sitting at ease, in five Places only".<sup>11</sup>

Thus were the People of Orange insulted by the Sheriff, robbed, and plundered by Bombs, neglected and contemned by their Representatives, and abused by the Magistracy; obliged to pay Fees regulated only by the Avarice of the Officer; obliged to pay a Tax which they believed went to enrich, and aggrandise a few, who lorded it over them continually; and from all these Evils they saw no way to escape; for the Men in Power, and Legislation were the Men whose interest it was to oppress, and make gain of the Labourer.

While the People were in this situation a Rumour spread "That the general Assembly had voted Fifteen Thousand Pounds to the Governor, for the Purpose of building him a House, afterwards called a Palace".<sup>12</sup> And that the said Sum was to be added to the Taxes already complain'd of, and raised from the People. It is said, "a Rumour was spread", &c, because the People were to be kept in

<sup>10</sup> *An Impartial Relation*, p. 15, and *Colonial Records*, VII, pp. 771-772.

<sup>11</sup> The author of this remark was Husband. See *An Impartial Relation*, p. 16.

<sup>12</sup> *An Impartial Relation*, p. 16.

ignorance, otherwise they perhaps might prove refractory, and unwilling to bring their Burdens, &c.

[31.] All these accumulated Oppressions staring the People in the Face at once, they were “made mad”—and if it be true “that Oppression makes a wise Man mad”, shall we wonder, that grievances and reiterated Oppressions so wrought upon the People of Orange County as to give Rise to that opposition, which at first was called by Col. F——g and his——— “The Mob, and which afterwards took the name “the *Regulators*”.

This was a considerable Time after they, who had endeavoured to confer with their Representatives, had been disappointed, and laid aside all thoughts of relieving themselves, by moderate and constitutional Measures; therefore, this took the Name of “the New Association”; it began in a different Settlement, or Neighbourhood, from the former; though, in their proceedings they refer’d to the conduct of the *Remonstrants and Addressors*—

Into this Association the People enter’d by Hundreds; and it spread every way like “Wild-fire”, until, after sometime, it reach’d *Sandy Creek* Settlement, where the principal Men, concerned in the former Agreement, Proposals &c, to the Representatives liv’d: from whom this new Association met with some Opposition—because, as they say, “it was too hot and rash, and in some things not legal, that is, in some things unconstitutional—This opposition abated their heat a little; in consequence of which, the New Association and the Sandy Creek Men held a Meeting, by appointment, at which the Association was prevail’d upon, by the others, to censure the Articles they had [32.] form’d, and into which they had enter’d, as is said before, “by Hundreds”; and to agree to a New set of Articles—from which they took to themselves the Name of *Regulators*—not only from the declared purpose of their union, but from their *Regulating* their mode of Union, altering their Articles of agreements, &c.

For the Readers satisfaction, the Articles, both of the New Association, and of the *Regulators*, will be published; tho’ these will necessarily lengthen out the History, and increase the numbers, both of which the writer means to avoid, as much as possible, so as not to leave out any important part of the Account.

To be CONTINUED Weekly on Fridays.

A  
Fan for Fanning, and a Touch-  
Stone to Tryon.  
(No. V.)

The Articles mentioned in No. IV, formed by a Number of Persons before the Regulation took Place, a Copy whereof was sent to the Assembly-Men, &c, were as follows, viz.<sup>13</sup>

“The 22d Day of March, 1768. The Request of the Inhabitants of the west side of Haw River, to the Assembly-Men, and Vestry-Men of Orange County.

WHEREAS the Taxes in this County are larger, according to the Number of Taxables, than in adjacent Counties, and continue so Year after Year; and jealousies still prevail among us, that we are wronged; and having the more Reason to think so, as we have been at the trouble of chusing Men, and sending them after the civillest manner we could, to know what we paid our Levy for, but could receive no Satisfaction. For James Watson was sent to the Meeting of the Deputies of the Neighbourhoods, and said that Edmond Fanning looked on it, that the Country called him by Authority, as if they had a Right to call him to Account; not allowing the Country the Right they have been intitled to, as English Subjects; [34.] for the King requires no Money from his Subjects but what they are made sensible what use it is for.

“We are obliged to seek Redress by denying Payment of any more, until we have a full Settlement of what is past, and have a true Regulation with our Officers. As our Grievances are too many to be notified in a small piece of writing, we desire, that you, our Assembly Men, and Vestry Men, may appoint a Time, before next Court, at the Court House, and let us know by the Bearer, and we will choose Men to act for us, and settle our Grievances.”

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<sup>13</sup> *An Impartial Relation*, p. 17.



"Until such time as you will settle with us, we desire the Sheriffs will not come this way to collect the Levy; for we will pay none until there is a Settlement to our Satisfaction".

"And as the nature of an Officer is a Servant to the publick, we are determined to have the Officers of this County under a better and honester Regulation than they have been for some time past."

"Think not to frighten us with Rebellion, in this Case, for if the Inhabitants of this Province have as good a Right to enquire into the Nature of our Constitution, and Disbursements of our Funds, as those of our Mother Country, (and surely they have) we think it is by arbitrary Proceedings, that we are debarred of that Right. Therefore to be plain with you, it is our Intent to have a full Settlement of you in every particu[35.]lar point that is matter of Doubt with us. So fail not to send an answer by the Bearer, if no answer, we shall take it for granted, that we are disregarded in this our Request again from the publick.

This is the first Message or Request the *New Association* sent to the Officers; which was received with a Degree of warmth, full as high as it deserved; for, "Rebels, Insurgents, &c, to be Shot, Hanged, &c; as Mad Dog", &c, was the "discreet" language of Fanning and the rest of the Gentlemen Officers. And it is confessed that these Measures were far from moderate, on the side of the People; therefore, as was said before, when the News of it reach'd Sandy Creek Settlement, they opposed the mode of proceeding as, "too hot, and rash"; and in a Conference with their Fellow-Sufferers, they prevail'd with them to censure these, and to form new Articles, which were as follows, viz. "We the subscribers do voluntarily agree to form ourselves into an Association, to assemble for Conference, and regulating publick Grievances and Abuses of Power, in the following particulars, with others of the like Nature that may occur".

1. That we will pay no more Taxes until we are satisfied they are agreeable to Law, and apply'd to the Purposes therein mentioned; unless we cannot help it, or are forced.

2. That we will pay no Officer any more Fees than the Law allows, unless we are obliged to it; and then to show our dislike, and bear an open Testimony against it.

[36.] 3. That we will attend our Meetings of Conference as often as we conveniently can, and as often as may appear necessary, in

order to consult our Representatives on the amendment of such Laws, as may be found grievous and unnecessary, and to Petition the Houses of Assembly, Governour, King and Parliament, for Redress of such Grievances as in the Course of the undertaking may occur; and to inform one another, learn, know, and enjoy all the Privileges and Liberties that are allowed, and were settled on us, by our worthy Ancestors, the Founders of our present Constitution, in order to preserve it on its former foundation, that it may stand firm and unshaken.

4. That we will contribute to Collections for defraying necessary Expenses attending the Work, according to our Abilities.

5. That in Case of Difference in Judgment, we will submit to the Judgment of the Majority of our Body.

To all which, we solemnly Swear, or, being a Quaker, or otherways scrupulous in Conscience, of common Oaths, do solemnly Affirm, that we will stand true and faithful to this Cause, 'till we bring things to a true Regulation, according to the true intent and meaning hereof in the Judgment of the Majority of us.

It appears that the Officers to whom the Copy of the first Articles was sent, sued the Men who were concerned in the Proposals, saying, That [37.] because the New Association referred to the Proposals, &c, they were therefore accountable for the whole; when, in fact, they neither had seen the Articles, nor did they know who they were that were concerned in the New Association, 'till sometime after the the Articles had been sent to the Officers. But what kind of Action they brought against them, whether of Slander, or Defamation, or for Treason, or what, does not appear, nor does it appear what was the issue of the Suit. This only we know, that they imprison'd those who had scarcely heard of the Articles, or any thing else concerning the New Association.

The Consequence of this violent attack made upon the *Innocent* was, That the People took the Alarm; and finding that *innocence* was no security, join'd together as one Man, or as they say, "they were forced to join together in Defence of their lives"; whereas until now, not a third part had entered into the Association. The general union came into the last recited agreement, in which they bound themselves in an Oath to be faithful to one another, as the Reader may observe.

At a Meeting of the People banded together as above, who now took the name of REGULATORS to themselves, they agreed to send two Men to *Request* the two late Sheriffs, and the Vestry-Men, to meet twelve Men to be chosen by the Regulators, from among themselves, to produce to them a Copy of the List of Taxables for each Year, and a List of the Number and Names of the Insolvents returned each Year, with an Account how [38.] the Money was applied, to whom paid, and to what uses, and to request our Representatives to confer with them on our behalf, and show us Law for the customary Fees that have been taken for Deeds, Indentures, Administrations, &c, and let them appoint a time when it suits them.

Before, the above Request was delivered to the Officers, as directed, the Taxgatherers, either to try or exasperate the already enraged populace, took by way of distress, a Horse, Saddle, and Bridle, for one Levy. And the People rose to the Number of Sixty or Seventy, and took the Horse &c. from the Officers; and fired some Guns at the Roof of Fannings House, to signify that they blamed him for all this Abuse. And afterwards deliver'd the Request into the Hands of the established Minister of the County, who undertook to accommodate the Matter; who, soon after, returned with an answer from the Officers, that they had appointed the 11th Day of May for a Settlement.

Hereupon the Regulators called a Meeting and chose twelve Men, and sent Notice thereof to the Officers. But Col. F——g was beforehand with them; for instead of meeting the People, and endeavouring to satisfy them and restore Peace, matters were so managed, that about this Time the Governor's Secretary arrived in Orange County, with his Excellency's Proclamation, commanding all Rioters to disperse, and all Officers to be aiding in dispersing them, &c. This was some weeks after the taking the Horse &c; since which there had not been the appearance of a Ri[39.]ot. Notwithstanding which the Officers the next Day after the reading the Proclamation, on Sunday, assembled themselves to the Number of about thirty, "with a Tavern-keeper or two, and a Man who had lately killed another, which the "Jury of Inquest had adjudged wilful Murder, all armed with Guns, "Pistols and Swords, and rode all Night the Distance of 40 Miles, "and took one Man who was concern'd in what was called the Riot, "viz. taking the Horse, &c, from the Officer; this Man they seized by

"Authority, having a Warrant for it; but they also seized one who "was not in the Riot, nor concerned in it, and that without any Authority, having no Warrant for it".<sup>14</sup>

The taking this innocent Person alarmed the People, because they thought this might be the Case of any or all of them; therefore they made haste and gat themselves ready and persued the Captors even to the Gates of the Town, so that by Day-light next Morning, some Hundreds were assembled near the Town, many of whom had travelled that Night more than forty Miles on Foot. Before the people reach'd the Town they were met by the Men who had been carried Prisoners; they having given Bail for their Appearance at Court, had been thereupon released. The reason of their having been admitted to Bail, seems to be the fear of the Officers, occasion'd by the News of Hundreds from all parts of Country coming with design to rescue the *innocent* Man; had it not been for this, it is supposed that the Officers intended to take them down to Newbern, [40.] 200 Miles; that, having them there, they might wreak their Vengeance on them.

The Companies that collected from the Country, when together, made about 700 Men, in Arms; they encamped near the Town, and continued there, next Day, until the Governor's Secretary met them, and read the Proclamation, as before; to which he added, what he called a verbal Message from the Gov. viz. That if they would Petition the Governor, he would protect and redress them against any unlawful extortions, or oppressions of Officers, provided they would disperse and go home.

No sooner was the word spoke, than the whole Multitude, as with one Voice, cry'd out, "*Agreed, That is all we want; Liberty to make our Grievances known.*" The Joy with which they returned home (says our Author) tho' the Distances to many were great, was inexpressible, for Men can feel things of an oppressive Nature, which they cannot express." They hitherto had been debarred from complaining, and that thro' the influence of F——g &c, with the G——r.<sup>15</sup> Hitherto the People could not have access to the Gov. with Petitions, unless

<sup>14</sup> A garbled quotation from *An Impartial Relation*, p. 22.

<sup>15</sup> Governor.



they would let F——g &c, form the Petitions for them. But now they rejoiced, they had his Excellency's word in their favour. They return'd home, advertised the Governor's Promise, and appointed a Meeting. This opened the Eyes of the Junto, who now began to see what was like to come of them if the People were suffered to tell the Truth.

*To be CONTINUED Weekly on Fridays.*

A  
Fan for Fanning, and a Touch-  
Stone to Tryon.  
(No. VI.)

A Man governed by Passion is a plague to himself, a trouble to his Friends, and an injury to his Dependents; and this seems to have been the Case of Gov. Tryon. When the Regulators were almost at his Door, he sends his Secretary with a Message to them. This put his Friend Fanning to the trouble, when no apparent Danger was near, to persuade him to deny his Message, which he did; and this injured the People of Orange much. For they put Confidence in the Governor tho' a Man, and Dependence on his Word, and hoped they should be delivered; but by the denial, all their Calamities stared them in the Face, with new force.

The Governour having deny'd his Message, the next thing his Friends had to do, was to *wipe his Excellency clean of a FALSEHOOD*: This they could not accomplish so easily, as they had brought the Charge upon him; for Hundreds had heard the Message; and therefore the Governor or his Secretary had said that which they were unwilling to say again; nay, they, or one of them, had said that, which they, together with all their Friends, [42.] strenuously and repeatedly deny'd. The People found it their interest to keep his Excellency to his Word; therefore they insisted much on it, this produced "Preaching, Writing, Harangueing" on the side of the Governor and his Friends; and, when the People could not be dissuaded from asserting the Governor's Promise of giving them a hearing, they were told, "that no Petition could or would go down with the Governor, but such an one as they, the Officers, &c had wrote for them, in which they made them say, that they *had thought* the Officers wronged them; but had now found it was owing to some mistake or Defect in *their*, the Peoples proceedings. They were also told, that

if they persisted, Col. Fanning would represent their Case to the Governor as high Treason, and not as a Riot."<sup>16</sup>

Thus went on their Affairs until the 21st Day of May, the Day appointed by the People for Meeting, to form an Address and Petition to the Governor; on which, when the Inhabitants of Orange met, a party of the Governors Friends came with design to give Disturbance to, and prevent the People from doing any thing; and, Alas for the Tribe of Levi, a Clergyman, in black, *came also*. They render'd the Business of the People, as they say, "exceeding unpleasant"; notwithstanding which, they had resolution enough to come into the following agreement, viz. "At a general Meeting, &c, It was agreed unanimously to continue our Petition agreed on at our last Meeting to the Governor, Council, and Assembly, for redressing very Grievous, Cruel, Iniquitous and oppres[43.]sive practices of our Officers, which we generally conceive we have laboured under for many Years contrary to Law".

And in pursuance of a Verbal Message from the Governor, delivered to us by his Secretary, on the third of this Instant, we agree to renew our said Petition.

For this Purpose the Regulators chose from among themselves Eight Men, to be a Committee, for the Purpose of laying their Complaints before the Governor &c, which Committee they instructed as follows, viz.—"Being conscious of our loyalty to King GEORGE the third, on the present Throne, and of our firm Attachment to the present establishment, and form of Government, to which we sincerely believe all our Grievances are quite opposite and contrary; we order the abovementioned Committee to implore the Governor's Pardon and Forgiveness, in the most submissive Manner, for any errors we may have committed, that are or may be construed to derogate, in any way, from the Honor of his Majesty's Crown and Dignity, or as tending to obstruct the Peace and good order of Government".<sup>17</sup>

They also order their Committee to present his Excellency with Copies of all their proceedings from the beginning, for "his better information"; which orders the said Committee executed accordingly; and in June waited on the Governor with the Petition of the suffering People, and a History of their Conduct thro' the whole

<sup>16</sup> *An Impartial Relation*, p. 25.

<sup>17</sup> *Ibid.*, p. 26.

of their struggle; that he might Judge for himself, whether or not [44.] they were such as they had been represented by Col. Fanning; and whether their Conduct was, as had been suggested by the Officers, "high Treason".

They also order'd their Committee to answer a Letter they had received from Anson County; which contained a request, "that the People of Orange would inform them of the Manner of their proceeding"; as they, of Anson County, were in like situation, as they apprehended with their Neighbours of Orange—This Circumstance is mentioned, for the sake of the Reason the Regulators give for their asking notice of the said Letter; which was, "*We order a Copy of this (viz their Petition) to be sent to them immediately, to prevent them from running into Error.* If they had a design of over-turning the Government, as "Discreet Mr. Fanning was wont to assert, they never would have been so solicitous to prevent Errors in the Conduct of the Inhabitants of Anson. The truth is; they were sensible they had, thro' the Novelty of their undertaking, as they say themselves, done things that were not justifiable; therefore they "implore the Governors Pardon and Forgiveness, in the most submissive Manner":—and they are anxious for the People of Anson County lest they also, from the same Cause, fall into the same Errors; like good Citizens, and Friends to just Government. They do all they can to preserve Peace, while they endeavour to do themselves Justice. The aforementioned Committee of the People presented according to the Instruction, the Petition, &c, to his Excellency Gov. Tryon, and received a long Letter in Answer to their Address from him; which I shall [45.] give verbatim, that all may see a *Scetch* of the Political Picture of the "Magnanimus General Tryon".<sup>18</sup>

Gentlemen,

"I Received by the Hands of Messrs. Hunter & Howell a Petition, and other Papers, subscribed by several of the Inhabitants of the South side of Haw River, in the County of Orange, under the borrowed Title of Regulators, assuming to themselves Power and Authorities (unknown to the Constitution) of calling publick Officers to a settlement, together with a Narrative of their Conduct, and detail of the Grievances and Complaints against the Clerk of the

<sup>18</sup> The following address is also in the *Impartial Relation*, p. 45.



County Register, and other publick Officers, whose Exactions and Oppressions *its pretended* have been the Cause of the late insurrections which have disturbed the Peace of that Part of the County”.

“These *Papers* I have, agreeable to your Desire, communicated to the Members of his Majesty’s Council, who having taken the same into their deliberate Consideration, Unanimously concur with ME in Opinion, that the Grievances complained of, do by no means Warrant the extraordinary steps you have taken, in assembling yourselves together in Arms, to the Obstruction of the Course of Justice. (*he should have said, Injustice*) and to the injury of private Property; Measures, as they manifestly tend to the subversion of the Constitution of this Government, would inevitably if carried but a little further, have been denominated, and must have been treated as high Treason, and consequent[46.]ly have involved the Abbettors, most of whom I am satisfied were actuated by honest Motives, tho’ incautiously drawn in to concur in Acts that might have terminated in the Ruin and Destruction of their Families, while by illegal Means they are intent upon exempting themselves from Evils, within the Remedy of Laws of their Country”.

“These Calamities, I trust, are now removed by the *Timely* Proclamation I sent up to you by my Secretary, and your own prudent determination to Petition me in Council for a Redress of the Grievances complained of”—The discreet and steady Behaviour of Col. Fanning, and the Officers and Men under his Command, met not only with the entire Approbation of myself, and his Majesty’s Council, but will ever be acknowledged with gratitude by every well-wisher to this Province.

I take this Opportunity to acquaint all those whose understandings have been run away with, and whose Passions have been led in Captivity by some evil designing Men, who, actuated by Cowardice and a sense of that publick Justice which is due to their Crimes, have obscured themselves from publick View: That in Consideration of a Determination to abide by my Decision in Council; it is my Direction, by the unanimous Advice of that Board, that you do, from henceforward, desist from any further Meetings, either by Verbal appointment or Advertisement. That all Titles of Regulators or Associators cease among you. [47.] That the Sheriff and other Of-

ficers of the Government are permitted, without molestation, to execute the Duties of their respective Offices. And that all breaches of the Peace against his Majesty's Government, may be determined and examined in a due course of Law.

"It is by your strict and punctual adherence to these Directions, that any farther Clemency, on My Part, may be looked for".

"This was the extent of what I authorized Mr. Edwards to declare on my behalf.—And now, that I have signified to you, the sense his Majesty's Council entertain of the nature of your Proceedings, and the Requisition I point out, by their Advice, for your future Conduct: I am to assure you, willing as I am to listen to the Voice of Distress, the just Complaints of his Majesty's subjects, and the hardships they may groan under, that I shall give his Majesty's Attorney General orders to Prosecute every Officer, who has been guilty of Extortion or illegal Practices in his Office, upon any Application or Information, lodged with him by the Parties injured, or any other that shall be authorized to prosecute on their Behalf. As also set up a Proclamation on my arrival at Hilsborough, forbidding all such dishonourable and illegal proceedings".

"You may further depend upon it, I shall at all Times, endeavour to redress every other Grievance in my Power, that his Majesty's Subjects may labour under."

[48.] "As you want to be satisfied what is the amount of the Tax for the publick Service for 1767, I am to inform you, it is Seven shillings a Taxable, besides the County and Parish Taxes, the particulars of which I will give to Mr. Hunter".

"I have only to add, I shall be up at Hilsborough the beginning of next Month. In the mean time I rest in full Confidence I shall again be made happy, by seeing industry prevailing over faction, and Peace and Harmony triumphing over Jealousies and Murmurings, in a Soil and Climate the most fertile in the World, and among a People, who by a well directed industry, may draw down Blessings and Prosperity to their Families, and greatly contribute to the Honour of his Majesty's Government, and the Happiness of my Administration".

WILLIAM TRYON.

At the Council Chamber,  
Brunswick, 21 of June 1768.

Many things in this Letter are worthy notice, which may perhaps be the Business of a future Number, for the present the Office of Critick is left to Phociens Friend, who has great Opportunity given him of finishing the Seetched Picture of the excellent Letter-Writer.

*To be CONTINUED Weekly on Fridays.*

A  
Fan for Fanning, and a Touch-  
Stone to Tryon.  
(No. VII.)

As it is certain that good sometimes comes out of evil, so is it true also that evil comes out of good. Self love is a good, and essential to the well-being of human Nature; but from this Principle springs evil; an instance whereof is this: Men from good views, persue a certain course of Actions, whether public or private, it matters not; at a succeeding Period of Time their Conduct appears to have had an evil tendency; Reason would that such should repent, and turn; but pride, grafted in self-love, steps in and clothes them with a disposition very pertinently named *Contumacy*. Hence ten thousand political, as well as religious errors, are maintained, and number the names of great and esteemedly good Men on their side.

We do not say that this was the Case altogether with the Regulators; tho' they cannot be cleared of the charge of Self-willedness, and a degree of obstinacy. For it ever will be the case, where the People have a part in the Government, that when jealousies arise, the Populace, being actuated by passion, are unduely attached to whatever they [50.] adopt. This accounts for what we frequently observe, viz. That *wise Men* are seldom violent in an opposition. This was true in the instance before us; the wise men among the Regulators, had all their influence exercised in moderating the People, and keeping them from violent out-breakings; nor was their influence always sufficient, as will be seen in the course of these Numbers.

The method they made use of, for the purposes of moderation was, to keep the points of grievance always in view as much as possible. To this end, upon receiving the Governour's Letter, recited in the last No. they examined into and stated the causes of their jealousies



and complaints—And in the examination they found—that the Extortions of the civil Officers, as already mentioned, were realities—that the situation they were in was not confin'd to their County alone—that similar evils existed in every part of the Province, so far as they could learn—they found also, that there had been a certain Sum of Money emitted by the Government, which Sum was, by Act of Assembly, to sink in a certain term, by a Tax upon the Inhabitants; and that, of this Tax there had been paid twenty or thirty Thousand Pounds over the whole Emission—and that there still was afloat, in the Province, sixty Thousand Pounds, that therefore, there was an error, somewhere of eighty Thousand Pounds, at the least. Upon this they reasoned in the following Manner;—Either our Assembly have been deficient in burning the Monies returned into the Treasury—or, the Officers, in the Trea[51.]sury have been deficient in accounting for it, or the Sheriffs have been faulty in the payment of the Money into the Treasury—or, some Counties must be much in arrears—for they knew that Orange had paid to the full. In this situation the People were wont to express their suspicions; for which the Officers reproved them severely, telling them “that it would be criminal even to suppose such things”; for say they, “There are Men of *such Credit*, that such a suspicion would be deem'd a slander, and fall on him who utters it”—adding, “That if such a thing could be there must be more than one concerned in it; and that was not supposable”. Fine reasoning for *quieting* the uneasiness of the People growing under Oppressions! The credit of Mr. — &c. &c. Therefore the People shall not speak their suspicions—But, says our Author, we could not help thinking”.

Therefore they purposed—that if their Representatives, these Guardians of their Rights, would assist them, first to settle with the Officers of their own County; and if no Deficiency appear'd there, then to lay the matter before the Assembly, that the Treasurer's Accounts might be brought forth and examined—And, if their Representatives refused, then to Petition the Governor for a New Election.

In the above Enumeration of their Grievances, they only had supposed that the Publick Accounts might be unsettled; but by the time they received the Governor's Letter, they were confirm'd in this [52.] matter by the Journals of the House; in which it appeared not only that these Accounts were unsettled, but that the Governor had

moved the House to vest him solely with that Business. This alarmed the People much more; especially, as they saw the Governor was determined to *favour the discreet Behaviour* of the Officers &c. and their uneasiness was encreased by the Governor's ordering them not to meet, in any way whatever.

The Governor had promised to hear their Complaints, made to him in Council by Petition. They Petitioned—He condemns their Conduct, and sets aside their Petition, and strictly enjoins that they should not meet; therefore, they cannot support their Complaints, nor justify themselves, nor vindicate their Conduct—Nor can they direct, or manage the Affairs of a New-Election—In short they were cut off from every possible mean of doing themselves Justice—So they *must* either sit down and suffer themselves to be maligned by Officers, and insulted and plundered and as having raised a Clamour and been disappointed; or they *must* subject themselves to the slander of *Rebellion*; for turn which way they would the Governor's Orders, and Letter, like a Manyheaded Monster, stared them in the Face.

In this situation they had no resource left, but "the Law of their Country," as the Governour tells them, and from this repeated Experience had convinced them they would have no hope; more especially as the languid manner in which [53.] his Excellency spoke concerning this matter, (viz. "That he would order the Attorney-General to set up a Proclamation," &c) had a direct tendency to harden, and encourage the Officers; while it was evidently designed to dispirit the People, and show them that if they asserted any Rights, *not made* for them by their *Betters*, they must expect to be treated with Neglect, and thrown into the hands of Harpies.

Thus bound upon every side, the Regulators (on whose side by this time were all the Country) stood still, waiting the effect of the Proclamation, respecting which so much noise had been made; and the issue was, (vox et præterea Nil) a *blowing Bluster*. For the Register, or his Clerk, *raised the Fees*, or rather their extortionate Demands, so that all hope vanished, in that the Gov's. pretended interposition, for such the People now saw it to be, had the effect before suggested, viz. Of encouraging the Officers, in their wickedness, in grinding the face of the People.

The People *dare not meet* to tell the Gov. that the Proclamation had no good Effect; That would have been called *Rebellion*. They

*dare not meet* to consult what was best to be done; That would have been called a *flying in the face of Order, and Authority*. However, they made the best excuse they could, and called a meeting, "to agree upon an answer to the Gov. for he would expect some return to his Letter."—They accordingly held a Meeting; and received, from his Excellency the following Letter, Viz.

[54.] GENTLEMEN \*<sup>19</sup>

In strict Conformity to the promise I made you in my Letter, dated from the Council-Chamber, at Brunswick, I issued a Proclamation on my arrival at Hillsborough, a Copy of which I herewith transmit to you."

"I also gave the Attorney-General, orders to prosecute at Law, all public Officers in your County, for abuses in their Offices, on application made to him by or in behalf of the Parties injured."

"It is now therefor by my advice and consent that Mr. *Tyree Harris* wait on you to proceed in the Collection of the public County and parochial Taxes of Orange County for the year 1767"—

"I have the fullest Confidence that you will, agreeable to the Directions of the above mention'd Letter to you, and in Justice to the principles of your Engagement to abide *my Decision* in Council, make it a matter of honour and Confidence among yourselves, that Mr. Harris and his Deputies shall not meet with any Interruption in so essential and immediately necessary discharge of his duty, in obedience to the laws of this Country."

*Hillsborough Aug. 1.*

1768.

*William Tryon.*

\* The Gov. is a well-bred Man, for he calls the Regulators, one while Gentlemen, at another time, Banditti, Insurgents, Rebels, &c.— Therefore Gov. Tryon is a Gentleman.

[55.] In this Letter G. T. magnifies his *strict Conformity* to his Promise; but to what part of his promise? not that which had respect to the Peoples Complaints. He also gave orders to Mr. Attorney-General; and what were his Orders? To Prosecute; How? upon application made to him. That is, if a Man that has been strip'd by a Sheriff, &c. will give Mr. Attorney all the Money he has,

<sup>19</sup> *An Impartial Relation*, p. 31.

and Bonds for as much as Mr. Attorney pleases to demand: Go. T. in great Compassion to the *Oppressed Man*, gave orders to the Attorney to take his Money, &c.

But his Excellency's *after Clasp* is the most Extraordinary part of his Essay, viz. "It is by *my Advice and Consent*; Modest Gentleman! he does not order, or command an Officer, whom he might have ordered; but he *directs* the People; and appeals to their honour and conscience; and to an engagement which he fain would that the People should have been under; and what is all this for? That the Money may be got from the People; and then they may seek redress from the four Winds; For this seems all that his Excellency had in view; by soothing, threatening, and cajoleing, &c. the People, that he may have money to carry on the building of a Palace; But the People, perhaps sensible of the *Check* they had in *their* power, chose not to obey either of the Letters, therefore they told Mr. Harris, when he demanded the Tax, that they had determined to lay the matter before the House of Assembly, before they would pay his Demand, They appear to have been actuated in this Conduct by a new fear, which arose from the Gov's moving the House to vest him with the sole power of settling the public Accounts.

[56.] Whether this step is justifiable in the People, or not, the reader must judge for himself. It was certainly disobedience, not merely to the Governor's Direction, but to a Law of the Land, by which the Tax was levied. In this the People seem to have assumed a right of Judgment, respecting the propriety of their being Taxed. Though the plea made by the Regulators was not a right of Judgment, nor a Power of paying or not paying, as the matter should appear just or unjust to them; but, they appear in every instance to consider the Tax being in their Hands as a means to bring the Governor and Officers to a Settlement. Therefore, they often say, show us that our jealousies are groundless, with respect to the Taxation; and remove the Cause of complaint against the Officers and we will immediately pay our Levy. This was assuming the Rights of *the commons* with a Witness.

*To be CONTINUED Weekly on Fridays.*



# A Fan for Fanning, and a Touch- Stone to Tryon.

(No. VIII.)

The Reader may have observed, that the Governor, appeals to an Engagement of the People, *To abide his Decision in Council*; It is probable the People had entered into such obligations with the Governor; and that at the time of Engageing they intended to do as they said. But two things appear to have determined them to do otherwise; (1) When Hunter, and Howel, presented the Petition, &c, of the Regulators, his Excellency called together a small number of the Council: and such a conduct, whether it really was so or not, gave the People, the colour of Suspicion, that he called only such as he knew would be on his side. (2) It is some-what probable that the Gov, in order to *engage* the People, had encouraged them to believe that he would lay their Petition, &c, before the whole General Assembly; Therefore, when the People found by the Journals of the House, that the Gov. desired the *Whole* matter should be vested in him, and seeing by his Letter, &c, how he was like to treat them—These things appear to be the reasons of the Regulators conduct, in refusing to obey the Governor's last Direction, by the hands of Mr. Harris, who, in [58.] discharge of his duty, required the Tax, of the People; upon this they answered him, "We have agreed to lay the matter, before the *Whole* of the Council, and House of Assembly, before we chuse to Pay". Mr. Harris, returned without the Money: and also without being Insulted, and maltreated by the People; though they had "desired that no Officer should come among them to Collect," &c. Nor were the People very delicate in their manner of expression, respecting the Officers; Therefore it is that they are said, by the Gov. "To Menace, and Threaten the property of the King's Officers."

At this Meeting, the Regulators agreed upon an Answer to the Gov's Letter, mention'd in No. VII, and appointed two Men to wait on, and present it to, his Excellency. In which they hinted to him, that they should have been much more obliged to him had he, as they expected he would have done, called together the Legislature of the Province. Here it must be acknowledged that the Regulators were altogether as forward as necessary; though some apology may be admitted from their want of knowledge, and the pressing necessity of their Situation; Nor is it to be refused, that their own importance seems to have had some Influence on their Conduct; They had gone so far forward they were unwilling to return back. But if the Regulators treated the Gov. with *freedom*, and uncourtly style, it must be confessed also, That the measure he meted to them, was as far from moderate and lenient, as theirs was from delicate and submissive:—For, when Harris returned from [59.] among the Regulators, The Gov.'s Officers were busied in raising the Militia—Their orders were “To rendezvous at an appointed place, on a set day, which day, was nigh at hand—To bring with them three days Provision, and nine Charges of Ammunition”. The Militia upon receiving these orders, immediately sent messengers, to carry Tidings to the Regulators, “That the Gov. was forming an Armament, to cut them off, &c.” It was also said that the Gov. intended to send for, and bring down Indians, from the frontiers, to Aid him in cutting off the Regulators.

These alarms threw the Inhabitants of Orange into the utmost perplexity; so that in fear they ran together, not to Arms, of which they might have availed themselves effectually, had they been disposed to *fight*; But, whatever might be the voice of the inconsiderate Multitude, of whom it always true, the more part, know not wherefore they are gathered together; the wiser, and considerate part, interposed, and the People chose, of themselves, eight Men, whom they sent to the Gov. That they might inform him of what they were told, and know of him the Truth, respecting all these things; The eight Men returned, having waited on the Gov. with the following Declarations from the Gov. and others, viz. “In the first place, the Gov. Declares, “That he never had an Intention to bring down Indians, nor of raising the Militia in order to break in upon any Settlement, as has been falsely represented; and that he again re-

peats his firm resolution to do Justice to the People in every thing wherein they have been injured, (he being Judge) as far as in his power."

[60.] "In the next place, Col. Fanning, agrees that the dispute between him and the People, shall be settled at the next supreme Court; that if the Chief Judge, and his associates, give Judgment against him on the Tryal of Mr. John Lowe, or any other deed, he is willing, and shall refund the full Sum, over his Lawful fees, he has taken, to every Man who shall apply to him, bringing his deed along with him; and that they shall pay no Cost."

"In the next place, Mr. Nash, agrees to the same thing, with respect to his Clerk's fee, as he has already wrote to the Regulators."

"In the last place, the Accounts of the Sheriffs, with the Vestry, and the Court, for the Parish, and County Tax, have been examined and approved; and when a Settlement is made for the Insolvents, the full State, in the same manner, shall be posted up in the Court-house."

"The Gov. will give no Directions for the Sheriff to proceed in his Collection till after the Supreme Court".<sup>20</sup>

This is an *Unaccountable* piece of Conduct, if we view it in this Light, That the Gov. did actually attempt raising the Militia, and that with design to reduce the Regulators—and that this is True, is without a Doubt; and therefore, we can give no better reason for these apparently soft Words of the Gov. in the above Message to the Regulators &c, than the Refusal of the Militia to serve against their Brethren; which Refusal appears by the fol[61.]lowing Resolution formed by the Militia, viz. "The critical affairs in public have caused us to meet to consult what is our duty"—We have been warned to go against a set of People, called Regulators under the Term of Enemies; but we look on them as Loyal Subjects, acting for the good of our Country. Until they are proved Enemies, we do not think it our duty to go against them. We are told that they who disobey the Gov.'s order, shall be fined, for not appearing against these our Brethren, and Neighbours; which thing we design to oppose until it appears to be our duty; and until their Articles are proved to be contrary to Law."

<sup>20</sup> *An Impartial Relation*, pp. 32-33.

By the above mentioned Eight Men, the Gov. notified the Regulators to meet at a convenient Place, to them known, and appointed by his Excellency; at a time; at which Place and Time, the Sheriffs were to attend, in order to satisfy the People with respect to the Concern they had in the Publick accounts.

The People, met on the day appointed; No one of the former Sheriffs came; the Sheriff for the time being came, not with Accounts, but, a Letter from the Governor, viz.<sup>21</sup>

“GENTLEMEN.

I had every reasonable hope, that my Letter to you from the Counsel-Chamber, the 21st of June, would have given you not only the most cordial Satisfaction, but have prompted you with the most ardent Zeal to have subscribed to every Direction contained therein, conformable to the declared Resolution in your address to me.”

[62.] “It is with a sincere Regret, I at this time reflect on the Disobedient, and ungrateful return you have made me, both by your Disregard to every part of my Directions in the above mentioned Letter, and your Refusal to pay your publick Levies, to Mr. Harris, late Sheriff, who demanded them of you, on the 2d of this Month, at a general Meeting, in Virtue of his Legal Power, and in compliance with the Letter I sent you, by him, urging the immediate Payment thereof”.

“The Candor with which I treated the Rash and Precipitate Steps of your past Conduct, and the just means, and effectual measures I pointed out for removing the Causes of Complaint, would have given ample Satisfaction to every Man who Petitioned me with an Intention to be satisfied with Justice.”

“By your Letter delivered me the 5th Instant, by Mess Low and Hunter, I have the Mortification to find every lenient Measure of mine has been perverted, and the friendly Aid I offered to correct the abuses in publick Officers, which it was my Duty to tender, considered by you as insufficient.”

“The force of the Proclamation was to caution publick Officers against, and prevent as much as possible Extortion. It is the province of the Courts of Law, to Judge and Punish the Extortioner. The Dissatisfaction also you express, that your Address, and Papers,

<sup>21</sup> *An Impartial Relation*, pp. 33-36.



were not laid before the whole Council, is equally groundless with your Declarations of the insufficiency of the Proclamation."

[63.] "By his Majesty's Commission and Instruction, three Counsellors make a Board; and with five Members business may be transacted of the highest Dignity: whereas six Gentlemen of the Council were present when your Address, and Papers were laid before that Board."

"The Resolution you have taken to Petition the Legislative Body, are exceeding agreeable to me; my services on that occasion shall not be wanting, to redress all real Grievances.

"It is necessary I should now inform you, in Humanity to your Misguided Passions, and in Justice to the Integrity of my Intentions, that you are pursuing measures highly Criminal and illegal; and it is a circumstance of real affliction to me, since I consider you as acting upon principles no less void of faith and Honour than inconsistent with every Moral, and Religious Duty."

"You have given occasion to every Man of property, and probity, by the open, unreserved Menaces you have thrown out against the Lives and Property of many of the Inhabitants of this County, to look on your designs as bent rather upon destroying the Peace of this Government, and the security of it's Inhabitants, than a wish or intention to wait for any Legal process against those you imagine have abused their publick Trust."

"Upon these alarming prospects, I esteemed it my Duty to provide for the Safety of the Government, and to take care that the Publick receive [64.] no damage; To prevent therefore as much as possible the heavy Expense that must accrue to the Province, by providing against the Insults that are intended to be offered to his Majesty's Superior Court of Justice, I am peremptorily to require on your Part, that at least twelve of your Principals, and those of the first property, wait upon me at *Salisbury*, on Thursday the 25th of this month, and there in my Presence, to execute a Bond in the Sum of *One Thousand Pounds*, as a Security that no rescue shall be made of W. Butler, and Herman Husbands, at the Superior Court at *Hilborough*, they being under Recognizance, then to appear and take their Tryals."

*William Tryon.*

*To be CONTINUED Weekly on Fridays.*

A  
Fan for Fanning, and a Touch-  
Stone to Tryon.  
(No. IX.)

In the last Number was published Gov. Tryon's declaration of War: concerning which, we may be allowed one remark, viz. The Regulators, upon hearing rumours, and alarm, trusted not in them, but went to the Gov. and asked, were they true; upon being informed they were not the People believed and accepted the Gov's declarations, and confessed and humbled themselves. The Gov. is alarmed by "the unreserved menaces of the Regulators," and the manner of his Intelligence is "Hearsay"; and that contrary to the public declaration of the People by their Committees, made to his Excellency; Upon this, after a series of contradictory, and unintelligible conduct, &c. on the Gov's part, he publishes a declaration of War, with great formality against his own subjects, the People of his care, whom honor, office, and conscience ought to have obliged him to preserve and secure in the peaceable possession of the fruits of their Industry.

Had the Regulators been *the men* they are set forth to be in the afore-mentioned declaration of War, reason would that they should have rejoiced [66.] at this opportunity, put into their hands, of bringing the matter to a final issue by force and arms; and that in consequence hereof, they would have published their Manifest, and dared his Excellency to the Field: But far from such a conduct, influenced by a better spirit, they sent the Gov. in all haste, the following Letter, viz.

*"May it Please your Excellency."*<sup>22</sup>

"We received your Letter by the hand of Mr. Lee, at the only time our Officers ever shewed any real intentions of informing us to what uses our Money is apply'd, and at a Time when we had

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<sup>22</sup> *An Impartial Relation*, pp. 36-38.

hopes, and were persuaded matters were likely to be settled to the peace and satisfaction of the publick."

"We are truly affected with sorrow and concern, because of your Excellency's displeasure, more especially are we affected with sorrow on account of the part of our conduct, which has given the Gov. occasion to charge us with breach of honour, and to look on us as rather bent on destroying the peace of this Government than to wait for Justice. We are much concerned at the thoughts of a difference arising between your Excellency and us; and we determine to guard against such offences for the future. The Commonalty have given occasion, for being under great oppression, and at the same time, threatened, as Rebels, &c, with Indians, to cut them off, &c, they were much incensed, and broke out into expressions, suggested by their Situation. We shall guard against this for the future."—

[67.] "But, in the midst of all our sorrow we are rejoiced in this, to find your Excellency approving and consenting to our resolutions to petition the Legislative body, which is the thing generally agreed upon by the People."

"As to the demand of security, that no rescue shall be made of the Prisoners, we beg it may be considered, that when alarms were spread among us of the Gov's raising the Militia, and sending for Indians\* to

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\* There are the remains of the Catawbee Tribe of Indians, in North-Carolina, to whom the Government has allotted a certain tract of land, on or near the great River, that bears the name of the tribe; These, we suppose, are the Indians, with which the Regulators were said to have been threatened.

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cut off the Inhabitants of this County, as Rebels, when we knew in our hearts and consciences, we were guilty of no such crime as Rebellion. At that time the multitude appeared violent, saying, If the Gov. chuses the Sword, we are at liberty to defend ourselves; upon which *the more Considerate*, willing to believe these reports, and alarms, to be groundless, interposed, moderated and pacified the whole. Now, it is more than probable, these are they who will be judged the Principals of us; and these are they whom we depend upon to govern the multitude: and we have no doubt but they always will be able and willing to do so. But, should any one of these men enter into Bonds, as required by your Excellency, such a conduct would infallibly destroy their influence; so that such a step would be so far from doing good, [68.] that it would effectually open a door to violent measures on the side of the People."

Moreover, we apprehend such a thing altogether unnecessary; for there never was an intention to rescue the Prisoners; your Excellency has therefore been misinformed in this matter. The only thing thought of, and designed by the People is, *To beg the Governor to dissolve the Assembly*. And, so far as we know the minds of the People, this one step alone would stop every mouth, and every complaint, but what would go through, and by way of such Representatives, as should then be chosen."

"As the Gov. may observe by the detail of our proceedings, presented with our address, that it was the Representative's refusing us a conference, and threatening us for requesting one, and affrighting, and deterring us from petitioning for Redress; that were the first cause of disorder. Therefore, as the stopping the free passage of this channel has occasioned the obstruction of good order, so the opening of that passage will assuredly restore it again.

*Signed in behalf of the Regulators, by*

JOSEPH HUNTER.

PETER JULIAN.

THOMAS WELBURN.

At the time the Regulators sent this Letter, his Excellency was too busy, in raising an Army, to take any notice of the things contained in it.

The design of raising Troops, appears to have [69.] been, in part, at least, "To prevent damage, &c, to the Government, and the Insults intended to be offered to his Majesty's Superior-Court of Justice"; And that, because the Regulators had refused to give the security required by the Gov. Whether the Gov. had a power, *Justly* to make such a Requisition? and how far the refusal of the Regulators may be considered as disobedience to Authority? How great the real danger of the Government? Are questions, answered in the affirmative, by the conduct of the Gov. in collecting an armed Force, and Stationing them in Town, upon pretence of preventing insults, &c, which the Regulators profess never were intended.

One Complaint, the Regulators make against the Gov. is, That he gave advantage to the Officers, &c, by abetting their side of the dispute, and making himself the Principal; whereas, had he done his duty, he would not have made any side his own, but have done



Justice and Equity to both, or to all. This conduct of his Excellency gave rise to, and still keeps a live, in the breasts of many, a suspicion that there was a design concerted, in which the Gov. was a principal Character, and the Palace a Principal object. Nor is this suspicion so *far fetched* as many that were circulated by the Gov's friends to the great prejudice of many hundreds of industrious Planters in North-Carolina. This by the way [. . .] return to the Court, at Hillsborough [. . .], where we find his Excellency Gov. [. . .] the head of *his Majesty's* Troops, in Possession of the Town.

[70.] About 3700 Regulators encamped within half a Mile of the Town, from whence, they sent to his Excellency the following Message, viz. "If your Excellency will permit us, Peaceably to come into Town, and enter our Complaints against our Officers, and pardon all past breaches of the Peace, (except the two under Bail, who will stand their Trials) we will pay our Levies as usual."

The next day, the Governor sent the Regulators his answer, viz. "That every Man must give up his Gun in pledge until the prisoners are Tried." Upon receiving this answer from the Gov. the Regulators decamped, and all returned home, save about 30 who surrendered themselves to the Gov. and were disarmed.

The Court being set, four Indictments were preferred against Herman Husband; the fourth only was found by the grand Inquest for the County, a *True Bill*; the rest were returned Ignoramus. Upon the Bill found, the defendant plead *Not Guilty*, and was acquitted by the Jury—of—Trial, or the Petit-Jury, and discharged by the Court.

The same Day, at Hillsborough aforesaid, seven Bills of indictment were found against Col. Edmond Fanning; and the charge in each Indictment, was Extortion. Fanning, appeared to defend, plead Not Guilty; and put himself upon his Country; and was found Guilty, by his Peers, seven times; and the Court fined him *The sum of One Penny*, in each Case.

William Butler, with two others, of the [71.] Regulators, were tryed at this Court, and found Guilty. It does not appear certainly, what their Crime was; the most probable account we can give is, that they were concerned in taking the Horse, &c, from the Sheriff, which had been seized for payment of Taxes.

These Men, it is said, "were sentenced to suffer imprisonment, for several Months, and to pay a large Fine." Though they soon broke

Jial, and the Gov. sent a Pardon after them; which shows, that either he intended them a kindness, or that they were so troublesome, he was glad to *get Rid of them*; Or, that he was Conscious they had been injured.

On the Tryal of Butler, &c, it was urged in his favour, "That the Tax was not legal; Then said the Judge, He should have sued the Sheriff." Upon this Herman Husband, brought an action against one of the Sheriffs, who, upon Tryal, was acquitted; and immediately sued Husband, for a malicious Prosecution. But before this matter was try'd in the civil Court, the general Assembly was called, and Husbands laid the affair before them; and they adjudged the Tax, in part, Illegal; Notwithstanding which, say the Regulators, "the Sheriffs continued to demand it of us."

The Governor's Army, unused with the life of the Camp, by this time began to sicken, and many died; this, with the apparent Inutility of maintaining a force where no evil appeared, determined his Excellency, to brake up the campaign, and disband [72.] the Troops; upon which all that remain'd returned to their home, many of them very sorry they had exhibited such an Instance of folly.

Matters now took a new turn; the Governor dissolved the Assembly, and issued writs for a new Election: giving the People all they desired; tho' this matter, in order of time, is before the Superior Court above mentioned; and would have been adverted to, but for the sake of telling the whole that was done at said Court, in a Chain.

A little before the Election the Regulators wrote a letter to the Inhabitants of the Province, in general, respecting their Situation, their power, and their Duty; which Letter will be Published.

*To be CONTINUED Weekly on Fridays.*

A  
Fan for Fanning, and a Touch-  
Stone to Tryon.  
(No. X.)

Our former Numbers have been employed in giving a continued account of matters, as nearly in their successive order as could be; and have brought our readers on to 1769. We shall stop here for the present, in order to look back and collect some anecdotes which have been omitted, for the sake of a regular chain in the history. And here the reader will observe, that we have allowed ourselves the liberty of disconnection in the present Number, so that every Paragraph will stand alone, and be a small piece of history by itself.

When the people first applied to the Governor, he promised them his assistance in punishing their oppressors, and directed them to form a regular account of all their grievances, and to attest them properly before the Magistrate, or other legal officer of the district, and bring them to him. Whether the Gov. was really honest in this matter is somewhat doubtful: for, certain it is, one Magistrate was dismissed from the commission for favouring the People; it is certain that many were deterred from the discharge of their office in suffering the People [74.] to attest to their grievances, and from aiding them therein. This matter was mentioned to his Excellency by one of the committee of the People; and he said "It was a weak thing in the officers to do so." But there happened to be one who aided the aggrieved People; "and to him the Gov. himself so talked as that he afterwards, like the rest, refused to attest, or to administer the oath to the People" and therefore, say the People, "We *now* had very little good opinion of the Governor."

The Governor, in what has been called his declaration of War against the People, says, that he esteems it his duty to provide for the safety of the Government, &c. This He did by raising Troops, and cantoning them about in different Towns, for the declared pur-

pose of defending his Majesty's courts of Justice from insults. This would have been a prudent step in the Gov. had there been any danger. But when we look at facts, we are made to believe, at least to suspect, some other reason for raising this formidable armament, in the heart of the county. The Regulators did not threaten the COURT: It is true they handled a few Lawyers, Clerks, Sheriffs, Bombs, &c, with some *Roughness*; but they never imagined that hereby they INSULTED *His Majesty's Superior-Court of Justice*. When the Officers, and Lawyers, injured the People, the Gov. told them the laws of their Country were their security, and that they had their actions. Why did not the Gov. tell the Lawyers &c, the same story, when the People, robb'd, insulted, mocked, and every way abused by petty foggers, and a "swarm of catterpillers," [75.] gave these pests of society the demerit of their crimes. In this case the Laws were not sufficient without Guards, and Main-Guards, and Centries, &c. This one fact might support a suspicion that the Gov. had something more in view, in raising Troops, and garrisoning Towns, than merely to defend the Court from Insults, &c. But to give a little more light to his Excellency's conduct, we will subjoin the following anecdote; viz. In Salisbury, a little before the Court, orders issued to raise Troops, for the purpose, as was pretended, of guarding the Court; at the Court these Troops were so disposed of as that no Man could come to the Court without passing Centinels, by whom every Man, whom they suspected, was examined what his business was: and all who "dared to own" "that it was to complain of Officers", were ill used by the Guards, and threatened, and put in fear: so that many, by this means, were driven home; others, who disregarded the threats and insults of the soldiers, were ordered out of Town by the commanding officer, and obliged to go at a few minutes warning; in short, none were allowed to stay in Town but those who were under Recognizance, or otherways bound to appear at Court. And of these it is said, "that they could not get an attorney to appear for them, unless they gave bonds for sums from fifty to three hundred pounds." And, indeed, the accounts given of the whole conduct of this Court, are exceeded by nothing since the DAYS OF THE STAR-CHAMBER; except it be by the following fact, exhibited in the county, where Fanning had the direction of affairs.



[76.] On the Morning of the second day of May 1768 about twelve Men all arm'd with guns and pistols, enter'd the house of Mr. Herman Husband, thro' the back door;<sup>23</sup> One of them immediately laid hold of said Husband, saying "you are the King's Prisoner"! For what, asked Husband. On suspicion of being concerned in the Mob, replied the Captor"; and immediately hurried him off, not suffering him to take leave of his Family. In travelling a little distance from Husband's house they fell in with Fanning, who was waiting for them, who treated the prisoner with contemptuous Ridicule. Thus escorted they arrived at Hillsborough, where Husband, and Butler, whom we have mentioned before, were put into a Fort, mounted with swivel Guns, under a strong Guard. From this place of confinement, after a few hours, Husband was taken before a Magistrate, who charged him as follows, viz. "*Somebody* hath informed against you, that there is cause of suspicion, of your having a hand in the Mob." Husband denied the charge; then Col. Fanning being called, and sworn, said "that he (Fanning) formerly received a paper, summoning him to appear at a Mill, and he *thought* it was Husband's hand writing." "And further, That he had received Papers from the Mob which referred to that paper."

Then was Thomas Hogan sworn, who said, that Husband had confessed he had been at some meetings of the Mob." Upon this, said Husband was committed close prisoner to the common Jail; where he continued till about midnight, when he was taken out, and tied with his hands behind his back, [77.] and set on horse-back, and tied with his feet under the body of the horse, and led away, with design, as they said, who were the ministers of this cruel treatment, to hang him, without judge or jury. Husband, alarmed at this, desired to see Col. Fanning: Fanning came, and asked wherefore he had been sent for? Husband answered, "If you will release me, and set me free, I will promise not to concern myself any more, whether you take too large fees or not." Upon which, Fanning says you must promise "Never to give your opinion of the Laws, never to assemble yourself among the People, never show any jealousies of the Officers taking extraordinary fees, that if ever you hear any one speaking disrespectfully of the Officers, or hinting jealousies respecting their fees, you will reprove and caution them, that you will tell the People you

<sup>23</sup> The following account of Husband's prosecution is based on *An Impartial Relation*, pp. 41ff.

are satisfied all Taxes are agreeable to Law, that you will do every thing in your power to moderate and pacify the People.”—All which Husband promised; alleging, in his own favour that *Duresse* excused him from obligation. Hereupon having entered into recognizance, and given bail, Husband was suffered to return home. A few days before the following Court, at which Husband was to be try’d, it appears that he went to Hillsborough; wether to engage an Attorney, or what else, is not certain; but when they got him there, they kep’t him; for, by this time, the Town was strongly guarded with Soldiers, who suffered none to come in, or go out, but as they pleased. Husband describes his situation at Hillsborough, in the following words nearly, viz. “I could not even walk the Streets about the court-house, without being in[78.]sulted, at every turn, by the Soldiers, who ran upon me with fixed bayonets, so that I could not tell but that every step I took would be my last. I was once seized, by a Party of the Troops, and dragged into a Tavern, or publick house; there they fixed me to stand on a table, and in a ring surrounded me, to make sport; in this situation they kept me for some time; they who possess the feelings of human nature can conceive of my condition, and state of mind, better than I can describe them. I was at length released by the interposition of some Man, whom I took to be the commanding Officer.” After suffering much for several days in the above manner, Husband was brought before the Court, where Fanning alleged that he had committed crimes, since his entering into Recognizance, which concerned his life. Upon this, Husband was committed once more close prisoner, not to the same Jail as before, but to a new one, built higher than the former, stockaded all around. Into an apartment of the Prison-House he was introduced, where were nine or ten persons, who saluted Mr. Husband, upon his entrance, with pointing to a Gallows, erected in this New High Jail, in the midst thereof. The apartment was so small that the prisoners were obliged either to lay one on the other, or while some attempted to close their eyes, stretched on the cold floor, others were obliged to stand. In this place, says our author, I had a fresh remembrance of what I had read of Inquisitions, East-India Imprisonments, &c! Having been thus confined for some time, Butler and Husband, were sent for, and admitted to bail, until the next Court: and this discovered the crimes alledged by Fanning, [79.] against Husband’s Life; which were no other than

these, Fan. saw that Husband would be able to prove in Court, the things he had charged the officers with; He saw also that the officers, and himself among them, had no way of coming off, but by setting aside the Tryals; in order to this, Fanning feigns an excuse for imprisoning Husband and Butler, and then banishes out of Town all the men that had come to support Husband in convicting the Officers &c; and as soon as this was accomplished, Husband was liberated; when he had the mortification to see his enemies triumphing over him, and himself alone without a second, all witnesses having disappeared. In *this* situation, says our author, "I looked upon myself as a Captive among Indians, Nabobs, or Lord-Inquisitors."

We have said "that the conduct of the civil Courts in North-Carolina was in many instances *Unaccountable*." One of these instances is the following: when Husband was imprisoned by Fanning, as recited above, and was thereby deprived of a power of doing himself justice by the Law, he, in this situation, signed obligations, for certain sums of Money, to Attorneys, in order to engage them in his favour, that he might not ever suffer from the cruel Tyranny of Fanning. These Attorneys, as it seems, cared very little what became of Husband, so be they could get his money; therefore at the next court Husband was sued upon one of these obligations; he plead in his defence *duress*, and offered to produce Witnesses to prove the unjust manner in which the obligation was obtained; the worshipful Court set aside his plea, [80.] and refused his Witnesses; and ordered the jury to give in their Verdict; which they did against Husband.

As soon as this matter was thus settled the Jury were informed, "That there was another action exactly similar; *upon which, without more ado, they were sworn, and gave a verdict as before.* Oh LIBERTY! thou dearest Name! and PROPERTY! thou best of blessings! Whither are ye flown from the inhospitable land of Tryon and Fanning! blasted by the perjurous breath of Villains, who sell their Conscience for an *unworthy* Price, the smile of an *injurious* Man, ye are forced from the Courts, (miscall'd) of justice.

*To be CONTINUED Weekly on Fridays.*<sup>24</sup>

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<sup>24</sup> This is the end of the pamphlet.

## HISTORICAL NOTES

Edited by D. L. CORBITT

Edwards & Broughton Company of Raleigh have offered a prize of ten dollars apiece for the four best historical documents submitted by County Clerks in North Carolina for publication in the REVIEW. The following court record submitted by Carl G. Smith, Deputy Clerk of the Superior Court for Iredell County, is one of the four best submitted according to the judge of the contest:

### *Punishment for Perjury*

Fall Term Iredell Superior Court, November 6, 1818: State v. Jonathan Coffey: Perjury: Plea, Not Guilty—

Verdict find the defendant guilty of the perjury in the manner and form as charged in the Bill of Indictment.

The prisoner Jonathan Coffey being placed at the bar and demanded if he had anything to say why the sentence of the law should not be pronounced against him saith nothing; It is therefore adjudged by the Court that the prisoner at the bar Jonathan Coffey shall stand in the pillory for one hour at the expiration of which time both his ears shall be cut off and entirely severed from his head and that the ears so cut off shall be nailed to the pillory and there remain until the setting of the sun, and that the said Jonathan Coffey be ever hereafter incapable of giving Testimony in any Courts of this State, or in any case whatever, until the revisal of this Judgment, and that the said defendant stand committed till the payment of a fine of TEN Dollars and all costs of prosecution. It is further ordered that this sentence be carried into execution by the Sheriff of Iredell County on Friday next two weeks.

HENRY SEAWELL, Esq., Judge.

### *The University's First Benefactor*

At a meeting of the Trustees of the University of the State of North Carolina, at Fayetteville, the 24th of November, 1790, it was unanimously agreed, that the following resolution of thanks, be given to Benjamin Smith, esquire:

Whereas, Colonel BENJAMIN SMITH, of Belvidere, in the county of Brunswick, and State of North Carolina, was pleased benevolently to grant, and hath by instrument of writing, under his hand and seal, bearing date the 18th day of December, 1789, made a donation and conveyance, to the trustees of the university of said state, of certain valuable lands, amounting to 20,000 acres, to be applied to the use and disposal of said institution, agreeably to the law in such cases made and provided.

Resolved, That this board do accept the said grant of lands, and that they entertain a proper impression of the public spirit and liberality manifested by Colonel SMITH, in this his early and valuable donation.



Resolved, That the secretary of the Board be directed to order these resolutions to be published in all the gazettes of the state, for the space of four weeks.

ALEX MARTIN, President.<sup>1</sup>

By order,

JAMES TAYLOR, Secretary.

*Letter of D. L. Swain to President Davis Regarding  
the Drafting of the Senior Class at  
the University*

University of North Carolina, Chapel Hill, Nov. 7th, 1864.

To His Excellency JEFFERSON DAVIS, President of the Confederate States.

Sir:

In compliance with the second of the accompanying Resolutions, adopted by the Board of Trustees of this Institution on the 31st. ult., it becomes my duty to state a few well ascertained facts in relation to "the sacrifices made and the services rendered by the Faculty, graduates and students of this Institution during the present war for Independence."

Your Excellency may remember that on the 15th of October, 1863, in obedience to a resolution of the Board of Trustees, adopted on the preceding 8th October, I addressed a communication to you, requesting for the reasons therein stated, that our two higher classes might be exempted from conscription. My letter was accompanied by notes from His Excellency Gov. Vance, President of the Board of Trustees and Col. Peter Mallett Commandant of Conscripts in this State, most earnestly recommending your intervention in our behalf; the latter remarking that he was "personally cognizant" of the facts relied upon as worthy of your consideration.

In due time I received a note from Col. Mallett dated November 6th, informing me that in compliance with orders emanating from the war department, he had directed Capt. A. Landis, District Enrolling Officer, to grant exemptions "during the collegiate term of the members of the two Senior Classes," and on the 18th, Capt. Landis enclosed me certificates of exemption accordingly.

The Senior and Junior Classes were enrolled forthwith; the Seniors graduated on the 4th June and entered the army immediately thereafter. The then Junior, present Senior Class, consisted of 14 members, and it is the latter to whom in connection with the accompanying resolutions of the Board of Trustees that I beg leave to call your attention. The resolutions themselves were communicated to Lieut. Gen. Holmes on the 1st inst. by a Committee consisting of His Excellency Gov. Vance and Ex-Gov. Manly, and it is with his cordial concurrence that they are now transmitted to you.

At the close of the collegiate year 1859-60, the whole number of students on our Catalogue was 430; of these 245 were from North Carolina, 29 from Tennessee, 28 from Louisiana, 28 from Mississippi, 26 from Alabama, 24 from South Carolina, 17 from Texas, 14 from Georgia, 5 from Virginia, 4 from Florida, 2 from Arkansas, 2 from Kentucky, 2 from Missouri, 2 from California, 1 from Iowa, 1 from New Mexico and 1 from Ohio. They were distributed in the four classes as follows: Seniors 84, Juniors 102, Sophomores 125, Freshmen 80.

<sup>1</sup> *The North Carolina Chronicle*; or, *Fayetteville Gazette*, January 3, 1791.

Of the 8 young men who received the first distinction in the Senior Class, five are in the grave, and 19, nearly a fourth of the 81 graduates, are known to have fallen on various battle fields.

The Freshman Class, consisting of 80 members, pressed into the service with such impetuosity, that but a single individual (Titus W. Carr) remained to graduate, and he in the intervening time had entered the army, been discharged on account of impaired health, and returned to complete his course of studies.

The Faculty of the University at that time was composed of 14 members, no one of whom was liable to conscription. Five of the fourteen were permitted by the Trustees to volunteer. One of these (Capt. Geo. B. Johnston) was taken prisoner near Hanover C. H., Va. and after his return from a long imprisonment on Johnston's Island, died from a fatal disease produced by exposure and privation. A second (Lieut. Royster) was killed at Gettysburg. The third (Capt. Geo. P. Bryant of the 2nd N. C. Cavalry) fell mortally wounded while leading his company in a charge on the Charles City road near Richmond on the 16th August last. The fourth (Col. W. J. Martin) dangerously wounded at Bristow's station returned to the service long before he had fully recovered, was again severely wounded on the 30th Sept. near Ream's Station and is now confined to his bed in Richmond. The fifth (Lieut. F. A. Fetter) remains in service and is the only one who has escaped unscathed.

The nine gentlemen who at present constitute the corps of Instruction are with a single exception, clergymen or laymen beyond the age of conscription. No one of these has a son of the requisite age, who has not entered the service as a volunteer. Five of these young men are now in service, one fell mortally wounded at South Mountain and another at Gettysburg.

The village of Chapel Hill owes its existence to the establishment of the University and is of course materially affected by the prosperity or decline of the Institution. The young men of the village responded to the call of the country for their services with the same alacrity which characterized the college classes, and nineteen, a larger number it is believed, in proportion to population, than is exhibited in any other town or village in the state, have fallen in battle. The departed are more numerous than the survivors, and the melancholy fact is as strikingly exhibited in the history of the village as the college, the most promising young men are amongst the earliest victims.

Without entering into further details permit me to assure you, as the result of careful and extensive observation and enquiry, that I know of no similar Institution or community in the Confederacy, that has rendered greater service, or endured greater losses and privations than the University of North Carolina and the village of Chapel Hill.

The number of students at present in the University is 57, of whom 52 are from North Carolina, 3 from Arkansas, 1 from Georgia and 1 from Virginia; 14 Seniors, 2 Juniors, 13 Sophomores and 28 Freshmen. Of these 57 young men the whole number liable to conscription are 13 Seniors, who if permitted to remain, will graduate and be ready to enter the army on the first Thursday in June next. They can make no appreciable addition to the strength of the army, but their withdrawal may very seriously affect our

organization and in its ultimate effects compel us to close the doors of the oldest University, at present accessible to the students of the Confederacy.

It can scarcely be necessary to intimate that with a meagre endowment, and a diminution of more than \$20,000 in the annual receipts for tuition, it is at present very difficult and may soon be impossible to sustain the Institution.

The exemption of Professors from the operation of the Conscription act, is a sufficient indication that the annihilation of the best established colleges in the country, was not the purpose of Congress; and I can but hope, with the eminent gentlemen who have made me their organ on this occasion, that it will never be permitted to produce effects, which I am satisfied, no one would more deeply deplore than yourself. I have the honor to Be, With high consideration, Your ob't Serv't,

D. L. SWAIN.<sup>2</sup>

*A Letter by James E. Beasley to D. L. Swain  
Inquiring About North Carolina and  
North Carolinians*

Memphis, Tennessee, Dec. 21st, 1865.

Hon. D. L. Swain, Chapel Hill, N. C.

My Dear Sir:

I rec'd some week or so ago a circular from you requesting donations of curiosities &c. to the different Societies, and would have replied earlier, but you know my great habit of laziness, contracted in College; it still clings to me. I have nothing with me that I can send. I have with my bro-in-law in Michigan a hickory stick that I cut on the field of "Chickamauga," with some work of my own on it. If I can get the consent of my mother I will send that to the Phi. Society (of which I'm a member.) I expect however Ma will prize it as highly as any one, and will be loath to give it up. I'll make the attempt to get it. I will try to gather up a few trophies and forward.

I wish you would do me the favor if convenient to send me a list of the killed from my class. I expect you have the information. I have the names of nearly all in my Autograph and would like to know all about them.

I was in Shelbyville in Sept. last and did myself the honor of calling on your relatives there. I did not see your son as he was absent from the place. This much for business. Now for fun and frolic.

As I am a great lady's man my first inquiry must be of them. How and what are the fair creatures on the Hill doing for husbands? I know if any girls in the world can marry off it is the North Carolinians. Fair to behold, talented and fascinating, who can resist them? Say to Mr. Fetter, if my memory serves me well, he promised me one of his daughters and I shall expect him (as a truthful man) to keep his promise and the young lady (as a dutiful child) to obey her Pa. I don't like these girls in this country. They are very clever and all that sort of thing, but they can't keep a hotel or make a good wife. I must have a girl from the old far state.

<sup>2</sup> Walter Clark Manuscripts, Volume IV.

How are the *freedmen* getting along in N. C. We are anticipating some trouble here. Yesterday and day before two white men were murdered by them without provocation. One killed in his house and the other taken from his house and carried beyond the city limits. This I believe only to be a foretaste of what we may expect unless Congress will do away with Freedmen's bureau. We have in the city about 3 or 4 thousand negroes with arms. The white population are comparatively destitute of arms and if disposed the negroes could give us some serious trouble. I do not think they would be half as bad were it not for the Yankees that are here urging them on. In the city itself there will be no danger, but I fear those in the suburbs will suffer. Those of us that were in the army, may soon have occasion to listen again to the music of bullets. I do not care to see it but I believe firmly if some different course from the present is not pursued, one race or the other will have to be exterminated and probably the sooner the better. I would like to have the pleasure of killing the scoundrels that are inciting the negro. "Sufficient unto the day is the evil thereof."

I met Prof. Kimberly in Nashville this Fall and he informed me the Yankees destroyed to some extent the library's. I was very sorry to hear it and hope they did not damage them very much. He said (I believe) they only troubled the Di library.

How is the old institution coming on? Does it begin to have the appearance of days gone by?

I know you need me there to keep things all right but I must now be making preparations to send my boy there !e! when I have one.

Gov. I wish you would do me the favor to inform me regarding the value of Bank Stock in Cape Fear Bank. I have a few shares there and I would like to know if it is worth the trouble of thinking about. The banks here are worth little or nothing. The bill holders are being paid off from 40 to 50c on the dollar, but stock is worth nothing. I see Cape Fear money is worth more than any other N. C. bank and I have gotten the notion in my head that probably the stock will be worth a little. "Every little will help" a poor down trodden and forsaken *ex-Reb*.

This is rather a mixed up letter but as I have not had good sense for about 25 years, and worse for the last six months, I hope you will excuse all errors &c.

Remember me kindly to the Faculty and any other of my old friends that would like to hear from me.

With kindest regards to your family and best wishes for you personally and for your future success and happiness, I am very Respectfully, Your ob't. S'v't.

JAMES E. BEASLEY.<sup>3</sup>

Care of T. P. Aydlett, Esq. Memphis, Tenn.

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<sup>3</sup> Walter Clark Manuscripts, Volume IV.



*North Carolina's Part in the Historic Table Upon Which  
Was to be Signed the First Bill Passed by the  
Legislature of Utah According to the  
Following Letters*

Salt Lake City, Utah, 5/16-95.

To His Excellency GOVERNOR ELIAS CARR,

Dr. Sir:

I wrote to you on Mar. 26 solisiting a piece of Hard Wood to be used in the construction of a Historical Table on which will be signed the first bill passed by the first State Legislature of Utah and after the adjournment it will be placed in the archives of the State the name of each Doner will be recorded in the History of the table with a short history of each piece of wood, as I now have nearly all colected some vary noted pieces some for thar antiquity and some for thar rair buty and History not having Recd any answer to my letter to you I am satisfied the correspondance has failed to reach its destination Hoping this ma reach you and in Due time I will receive a favorable reply I am fraternally years

JOHN R. WILSON Salt Lake City, Utah Ter.<sup>4</sup>

P. S. Size of place about 1 in thick 6 in wid 8 in Long.

Raleigh, N. C., May 25, 1895.

Major S. F. Telfair, Private Secretary, Raleigh, N. C.

Dear Sir:

We have yours of May 24th, enclosing a letter from Mr. Jno. R. Wilson, Salt Lake City, Utah Territory, with the request for a piece of lumber. We propose to comply with that request by sending him a piece of curly yellow pine, about the size he wishes.

We return Mr. Wilson's letter. Very truly yours,

WM. E. ASHLEY.<sup>5</sup>

*Efforts to Avoid the Stigma of Being Designated  
a Criminal*

It seems that for certain offences in the early history of North Carolina, the perpetrators were punished by clipping off a part of their ears. This act, although painful within itself, seemed not to have had its chief effect and bearing as punishment in the process of cutting off part of the ear, but in the fact that the criminal was ever afterwards designated by his marked ear as a criminal, and thereby humiliated to the world. Thus, a person in order to save himself the humiliation accorded a criminal, had it recorded in court if he lost part of his ear in some other way than having it cut off as a punishment for crime.

<sup>4</sup> Papers of Elias Carr, 1895, December-May.

<sup>5</sup> Papers of Elias Carr, 1895, Dec.-May.

Read the following taken from the Cumberland County Court Minute Docket for April 1760:

Malcolm Blue of the Province and County aforesaid came into Court and brought in his son Neill Blue, a boy about seven years old, who had in last July a piece of his ear bit off with a dog. S<sup>d</sup> Malcolm Blue father to the s<sup>d</sup> boy mead oath that he saw the bit which the dog tore out of the s<sup>d</sup> boy's ear lying in his yard but did not see him bite him as he was not then immediately upon the spot and that there is not any person that can prove that the dog bit him, there not being anybody then on their plantation but his own family—which is ordered to be recorded.

The following was taken from the Onslow County Court Minutes for January, 1760:

Richard Williams comes into Cot and produces evidence that he had a fight on the 22<sup>d</sup> of December last with one Thomas Orrell, taylor, and that said Orrell did bite a [piece] off the upper part of his left ear. Ordered that he have a certificate of the same.

*A Sure Cure for any Kind of Fever*

August 25th, 1867.

Mr. GOVERNOR,

Dear Sir:

Not knowing your name is the reason I address you in this way. Now the cause of my writing to you is of the greatest national-vital benefit of anything ever offered to man kind, which is, I have discovered how to cure Fever in three days; the fourth day the patients can go to work, just as they ever did, and no backset; and the cost wont be fifty cents to cure a person. Every one can cure himself at home and not send for a doctor. The medicine is within the reach of every person in the United States. It is not expected that a person after being cured will gormandise to an excess on the strongest diet, but live a few days a little sparingly on weak nourishing diet; then if he does so he will be just as well a person as anybody in the country, as far as fever is concerned. Now the conditions is as follows, to-wit:

My charge is five hundred dollars a State, to be sent to me in a package from each State, containing the amount of five hundred dollars. So soon as a package arrives from each State, containing the above sum of five hundred dollars, I will send a receipt to the Governor of each State which I will warrant to cure just as stated above. Now, who, having a dear daughter, son or companion, in death sickness with wishful eyes to live, would not give the above sum to have them still with them in smiling health, rather than to have them reach out their hand and bid the family all farewell in death? Now these packages is to be sent to the First National Bank, in Richmond, Wayne County, Indiana. Now in warranting and giving receipts to cure Fever, I don't include Yellow Fever; the cause is I never was where it was, therefore I know nothing about it, personally, but taking the conclusion of all writers that all fever is caused by miasmatical affluvia, called

malaria; if that be the case, this Receipt will cure Yellow Fever as well as any other Fever.

Now these packages when sent to said First National Bank of Richmond, Indiana, is to have the name of the Governor and State of which it comes from on said package. The people is saying in some places that I should ask ten thousand dollars instead of five hundred. Direct your packages to first National Bank of Richmond, Wayne county, Indiana, to Jeremiah Koons. If I had a charged one hundred thousand dollars, it would have been but an insignificant spec by the side of the enormous blessings to mankind, considering the blessings for all time to come.

It is said by the Almanac makers that there are one hundred thousand die every year with consumption. If that is so, there must be three or four hundred thousand dies with fever. Now just look at that; all can be stopped for a mere song!

Now I will give the conditions of the whole of the above obligation: I won't consider that I have any right to said money till the warrant is satisfactorily tested. Now I will end in this way, and make it safe to each State, so that each will be satisfied.

I, the said Jeremiah Koons, of Wayne county, and State of Indiana, the maker of the above, do hereby authorize, command and request the said President of said First National Bank of Richmond, to hold said packages sent to said Bank till the above warrant is tested—allowing ten years for that purpose, during which time you are not to draw the money, but said Koons will be authorized to draw it as soon the merits of the remedy shall be tested, whereupon I, said Jeremiah Koons, have set my hand, this 25th day of August, in the year of our Lord, one thousand eight hundred and sixty-seven. Please answer at early convenience.

JEREMIAH KOONS.

I hereby agree and obligate myself to retain any moneys sent as above provided.

JAMES E. REEVES, President  
First National Bank, Richmond, Ind.<sup>6</sup>

*Tars and Feathers Man for Cruelty*

New York, May 4.

Extract of a letter from Washington, North Carolina, March 27.

On Thursday last made his appearance in this town a certain John Hamlen, who in the late war left the State of Maryland and joined the enemies of America; after joining them he fitted out a galley and cruised in the Delaware and Chesapeake, where he was very successful in capturing a number of vessels; he was very fond of exercising every species of cruelty on those unhappy people who fell into his hands, among other things he took great delight in cutting off the ears of some and noses of others. Unluckily for him he was known by some honest JACK TARS, belonging to vessels in this harbour, who in the time of the war had been made prisoners by him, these honest fellows very kindly furnished him with a coat of Tar and Feathers, and that he might not in a short time forget them, cut off one of his Ears;

<sup>6</sup> Historical Scrap-book.

they then kindly shewed him the way out of town without further injury. It is supposed he will bend his course for Newbern, and endeavor to take passage in some vessel bound for the Northern states.<sup>7</sup>

*The Seizure of Muscle Shoals by the Spaniards*

Charlestown, Feb. 17.

————— A Gentleman from the western parts of North Carolina says a body of Spaniards have taken post at the Muscle Shoals and are building a fort. The Chicamawga tribe have abandoned and burnt their towns and moved off to some distant part, greatly disgusted with the attempts of individuals to get their country without a purchase.<sup>8</sup>

*Muscle Shoals*

Charleston, May 12.

A correspondent says that the Muscle Shoals are in the western part of South Carolina and not as has been reported in the western part of North Carolina. They are on the Cherokee River which communicates with the Mississippi through the Ohio. The Cherokee river is said to be navigable by small crafts to its forks, which are on the western part of North Carolina. It is navigable by vessels of greater size to the Muscle Shoals. (See M'Murray's new map of the United States.)<sup>9</sup>

*The Unbridled Fury of a North Carolina Planter*

Charleston, Nov. 1, 1784.

————— The following is, perhaps, as singular an instance of unrelenting tyranny, as is to be met with in the histories of base actions, which individuals have left to be recorded for the mortification of mankind.

A Planter in North Carolina, being seized with a dangerous disease, conceived himself neglected by the Negro girl that attended him, ordered his son to put her immediately to death; the young gentlemen being unwilling to punish with such severity, a fault which was unvoluntary, remonstrated against the dictatorial mandate with so much feeling and humanity, as to put the old brute out of all patience. He commanded the son to quit the room, and sent for a lawyer to whom he gave orders for such an alteration in his will, as left his son a beggar; he then called the girl to his bedside, and, whilst the attendants held her, animated with fury and revenge, he raised himself up in the bed and cut off all her toes, after which nature being exhausted by the violence of the exertion, he expired.<sup>10</sup>

*Princeton University Confers Honorary Degree on North Carolina Judge*

Princeton, Sept. 30.

————— The degree of Doctor of Laws was conferred on the Hon. Samuel Spencer\* Esq., Chief Justice of the State of North Carolina. ———<sup>11</sup>

<sup>7</sup> *State Gazette of South Carolina*, May 29, 1786.

<sup>8</sup> *Gazette of the State of South Carolina*, February 17, 1785.

<sup>9</sup> *Gazette of the State of South Carolina*, May 12, 1785.

<sup>10</sup> *Gazette of the State of South Carolina*, November 1, 1784.

<sup>11</sup> *Gazette of the State of South Carolina*, November 11, 1784.

\* He was elected in 1777 and served until 1794. He was from Anson County.



*Ceding Our Western Claims to the United States*

Charleston, September 6, 1784.

Extract of a letter from a Gentleman of North Carolina to his friend in the Western Country, dated Hillsborough, June 2, 1784.

The bubble of the day is gone! land jobbing is at an end with us; we have made a liberal cession of our Western claims to the United States. Thanks to New York for setting the example (although it is said she is about to tarnish all her glory, by attempting to destroy all her brethren, that fought so gallantly for America at Bennington) I suppose Virginia plumes herself on ceding what New York and other states had as good a pretence to. Can you think that the other Members of the Union will be satisfied to see Virginia exercising jurisdiction on the banks of the Mississippi; when we receive only this side of the Appalachian Mountains. This is not following the advice of the great Chief, her Mécenas. It will not do, my friend, it does not accord with your republican principles. The many thousands of acres, a few individuals of your State claim in the Western Country, may make them writhe and twine, and now and then show their sting; but you may rest assured the opposition will be futile. The sons of freedom yet value their privileges too high to be cajoled out of them by an insidious policy.<sup>12</sup>

*What is a Liberal Cession of Western Territory?*

Charleston, Nov. 8, 1784.

Extract of a letter from a Gentleman in North Carolina, to his friend in the Western Country, dated Aug. 5.

You ask what I understand by a liberal cession of western territory. I answer the complete surrender of jurisdiction and soil. I agree with you that our cession of back lands is clogged with unreasonable conditions; that may be ascribed to the last efforts of an interested party, not the sense of the people nor even the majority of the legislature, who were worried into the measure. But as far as the army, and the settlers are really interested, I think the conditions right. As to the speculations of landjobbers, I trust our more enlightened American rulers will model that otherwise. If they do not, I confess, the union will be benefitted very little indeed. Your vindication of Virginia politics don't satisfy me. We copy too much from them, and both disgrace our professions of being republicans.

I confess the reservation respecting slaves is an indelible stain on both our humanity and politics. My consolation is, that though the supreme council of the nation is famed for moderation, yet on proper occasions they will be steady, and act as faithful guardians for posterity, as well as for the selfish mortals that exist at this aera.

The manoeuvres Georgia has made to evade a cessions of western claims, will be futile; theirs with good reason ought to be liberal, and coextensive with ours.<sup>13</sup>

<sup>12</sup> *Gazette of the State of South Carolina*, September 6, 1784.

<sup>13</sup> *Gazette of the State of South Carolina*, November 8, 1784.

*The Landjobbers in the Western Territory*

Charleston, Feb. 24.

Extract from a letter from a gentleman living in the western territory, lately ceded by North Carolina, to his friend in Virginia, dated Dec. 20, 1784.

Last week, in convention we ventured to declare ourselves independent. I confess it was contrary to my own opinion both for the reasons you gave, when last here, and from various occurrences that happened since. Some that really were for moderate measures and in the interest of the union, were brought over with the plausible arguments that we would have the disposal of the Indian country, fix the limits of the new state, and appropriate the lands as a fund, to the support of our new government. If I was to venture a conjecture, the good of the commonwealth is not at bottom, but the views of a few crafty landjobbers, whom you know, who are aiming at purchasing the great bent of Tennessee, from the Indians, and if not successful that way, to contrive a quarrel, and drive the natives (Cortez like) out by force.

However I have yet hopes, that those who wish to proceed on the principles held out by Act of Congress held on April last, may have address and influence enough to prevent measures being carried extremities, until the Commissioners from the United States arrive in the Spring, when no doubt, an advantageous bargain can be made with the Indians for a national purpose, and which may give our politics a right turn.<sup>14</sup>

*Sevier, Seduced by the Devil to do Mischief, is Repelled*

Newbern, March 24.

The reports now prevailing of the dismemberment of this state to the Westward, are entirely groundless. Letters have been received from Cumberland which mention that a convention of the people had actually been brought about by the articles and intrigues of one Sevier, and a few speculating heroes of desperate fortunes; the former of which proposed Independence, and himself Governor of the new State. However this political fool, opposed by the malevolence of his own power, was restrained from the exertion of his will; and we are happy to find that as was once, so is now, innocence enough to be found in the wilderness to repel the temptations of the Devil, which had no doubt seduced this Sevier to mischief.<sup>15</sup>

*The Murdering and Pillaging of the Rebels*

Charlestown, Feb. 20, [1782]

By accounts from North Carolina, we learn, that since the evacuation of Wilmington, the Loyal Inhabitants of Cumberland, Bladen and Anson counties have been plundered of almost all their effects by the Rebels. The distresses of those in Cumberland, although they had submitted, are so great, that Col. Armstrong, who commands in that county, lately interposed in their behalf; this gave such offense to several of his officers, who accused him of favoring tories, that a duel ensued at Cross-Creek, between him, and a Captain Fletcher of his Regiment, wherein the latter was killed.

<sup>14</sup> Gazette of the State of South Carolina, February 24, 1785.

<sup>15</sup> Gazette of the State of South Carolina, April 25, 1785.

Numbers of the unfortunate Loyalists were taken by General Rutherford's militia brigade from Mecklenburg, and were afterwards butchered in cold blood. This virtuous ruffian used to make his men wound with their swords, every loyalist they met with in the woods, or found at home. This was called making Gen. Rutherford's mark. To such a degree did they plunder, that they even took off the children's shoes from their feet. Major Smith, Capt. Symonds, and Major Graham were Rutherford's most noted instruments of murder.

Gen. Butler with the militia from Hillsborough, behaved with much more humanity.

The virtuous citizens of this state are by no means inferior to Gen. Rutherford's brigade, in zeal and activity to support their glorious cause. When a Loyalist falls into their hands, he is in general stripped of his clothes, closely confined and continually insulted. If he is proof against this treatment, and refuses to join them, he is told with an affectation of candour, that they compell no man to enter their service, and desire him to go to his friends within the British lines. After he has proceeded a little way a party follows him and puts him to death. Their officers on these occasions pretend it is done without their knowledge, and that they will punish the murderers if they can be found out. Several of our friends who have lately come to town, with passes, were obliged to travel through the woods and avoid all roads, to prevent assassination. In some places where the Loyalists conceal themselves in the swamps, the neighboring Rebels have gone to the houses of those people, and entreated their wives to use their interests with their husbands and sons to come home and submit, assuring them that everything that is past shall be forgot. When they are credulous enough to believe this, and shew themselves openly, a party goes to their houses and murders them. In some places the Loyalists have been obliged to dig their own graves. In others they have been stripped naked and tied with their arms stretched to a tree; a black spot was then made upon their breasts opposite to their hearts at which the murderers fired as at a mark.

A Captain and four men of the Granville county militia, having gone lately to the country, to endeavor to drive their cattle within the lines, were made prisoners by the enemy's militia and afterwards killed.

In short, the barbarities of the Rebels are so enormous, that we make no doubt the people of Europe and the West Indies will look upon the above to be the exaggeration of a heated fancy; but we safely appeal to every person in this place, or even within the enemy's lines, who is acquainted with the back country, if the above is not a faithful and true picture of the behaviour of the Rebel militia, since Gen. Greene's appearance in this province.<sup>10</sup>

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<sup>10</sup> *The Royal Gazette*, February 20, 1782.

## BOOK REVIEWS

THE DIARIES OF GEORGE WASHINGTON. In four volumes. Edited by John C. Fitzpatrick, A.M. Published for the Mount Vernon Ladies' Association of the Union. (Houghton Mifflin Company, Boston and New York, 1925. Price \$25.)

It is impossible to write an adequate or comprehensive review of these teeming volumes. Familiar as I am with Washington literature, diaries, and correspondence, I am staggered by the very volume of new materials here first printed. All of the diaries hitherto published amount to hardly one-sixth of the whole set out in full in these four volumes. The editorial work has been accomplished with success, reserve, and discretion. Mr. Fitzpatrick has been fortunate in having access to the exhaustive investigations of the late J. M. Toner, an indefatigable and zealous student of the materials of the diaries. Historical scholars will be grateful to Mr. Fitzpatrick for his complete list of the diaries, arbitrarily numbered, the consecutive numbering applying to the "diaries that exist, the diaries known to have existed, and the diaries reasonably conjectured to have existed all traces of which have now disappeared." It is to be hoped that the publication of this list will bring to light the whereabouts and ownership of certain of the diaries which are missing. Judge Bushrod Washington presented certain of the diaries to friends, as a mark of esteem—with a carelessness as to historical responsibility not wholly commendable. The entries for the periods: March 11 to July 14, 1790, and March 21, 1791, are printed by Benson J. Lossing in his well-known work; but the originals are "missing" and Mr. Fitzpatrick has been obliged to rely upon the Lossing text. Opposite certain intervals in Mr. Fitzpatrick's list appear the words: "Missing, or not kept." An emendation should be made by printing merely the words "Not kept" opposite the dates July 15, 1790, to March 20, 1791. For the volume which contained the diary covering the dates March 12, 1790, to June 1, 1791, was examined by Edward Everett, who records the gap above mentioned, indicating that the diary for that period was not kept. It is a source of regret that the editor, for some inscrutable reason, omitted to print a list of the editors of the diaries formerly printed.



If anything were needed to show that Washington had in his make-up something of the superhuman, these volumes supply it. It is well-nigh inevitable that Washington could pass through the marvelous congeries of events, in many of which he was a dominant and central figure, and remain throughout so utterly objective and impersonal. Such impassibility is almost sublime. It piques our imagination at every hand and evokes a boundless curiosity as to the deep currents of thought, reflection, emotion, prejudice and passion surging beneath this icy crust of the prosaic and the factual. As Jefferson once remarked, Washington was a good letter-writer: clear, straightforward, accurate; and while the diaries are lucid and forthright, they are strictly impersonal, without a trace of the subjective. From them we might almost imagine that Washington never looked inside a book; for I note only one reference to a book (and that a not wholly pertinent one) for this period of half a century. On discovering the right foreleg of one of his horses crushed, he administered first aid; and the next day (February 23, 1760) records: "Had the Horse slung upon Canvas and his leg fresh set, following Markham's direction as near as I could." The reference is clearly to the famous Gervase Markham, a great authority on horse-breeding and horse-racing; but it appears that none of Markham's writings were in Washington's library!

These diaries, I fear, will afford but meager pickings for the psychographers. You will not find the "soul" of Washington here—unless it be the very prosaic and material "soul" of a first-rate agriculturist, a stern overseer, and a masterful captain of industry. All the recent pother in the press over the pseudo-sensational banalities of Mr. Rupert Hughes regarding Washington as a gambler, drinker, distiller, swearer, and dancer finds little excuse, on the patent reflection that Washington was a Virginia gentleman of his day in every sense of the word—and indulged, in moderation, in the sports, pastimes, amusements, and even "vices," if you will, of his place and period. If Washington ever enjoyed a drink, he never describes any Dionysiac emotions; and if he ever found philosophical, esthetic, or moral lessons in a play—and he was a great theater-goer—he never once gives posterity the benefit of a single reflection. In the merest shorthand, he records meetings, fraught with momentous significance, with the greatest American figures of the day; but he never

once lifts the veil, to reveal, with the loquacity or particularity of a Jefferson, Franklin or Madison, the details or results of these meetings. Never did any man, I dare say, hold over himself so mercilessly the whipland of self-restraint. There need be no fear that Washington will ever be charged with the betrayals of the confessional, so freely brought against the intimate of the greatest figure of our own day.

Nevertheless, these diaries constitute wholly priceless documents for the historian and the biographer. Coupled with the twenty thousand letters which Washington wrote, which are extant, these diaries constitute Washington's autobiography. Viewed in the focal illumination set up by innumerable sidelights from the writings and confessions of his acquaintances and contemporaries, they will enable the biographer of the future to fill in the bare, hard, toneless picture drawn for us by the uniformly unsuccessful biographers of the past.

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THE WAR FOR SOUTHERN INDEPENDENCE, being Volume VI of the History of the United States. By Edward Channing. (The Macmillan Company, New York, 1925. 645 pp. \$4.75.)

Students and teachers of American history have come to look forward with some eagerness to the appearance of a volume of Channing's *History of the United States*. Each volume has seemed to challenge its successor to a standard of historical scholarship and literary excellence difficult to reach. Dr. Channing's readers have also come to admire his fine spirit of historical detachment and impartiality, and some of them have asked themselves whether he could maintain such an attitude when he came to treat of events which are still matters of personal and sectional controversy.

This query is fully answered in the present volume which treats the most highly controversial period of American history in a perfectly impersonal and objective spirit. The author's attitude is expressed in his sub-title, "The War for Southern Independence." Not once, except in quotations of which he expresses no approval, do the words "traitors" and "rebels" appear in his book. Perhaps the old-time Southern fire-eater will not relish ardent admiration for Lincoln as the greatest of Americans; but for that matter neither

will the old-time New England abolitionist relish his exoneration of the Southern slaveowner of blame for slavery. Extremists on either side—a constantly decreasing element both North and South, let us hope—will disapprove of the author's painstaking fairness, but sensible men everywhere will welcome it as evidence of the passing of sectional passions and prejudices.

To say these things does not mean that one concurs in all of the author's conclusions. One may admire his evident pains to be accurate and just without accepting his judgment in all points. However, there are not many such conclusions to which the present reviewer would dissent. Limitations of space forbid a discussion of these points except one which is too interesting to overlook.

In his last chapter Dr. Channing discusses in some detail the causes of the collapse of the Confederacy which came "with a speed and a thoroughness that was entirely unexpected." Why did the Confederacy collapse? Contending that "the Confederacy was not beaten from a military point of view," he cites Confederate records to show that in April, 1865, there were 200,000 men "answerable to the orders of the Adjutant General at Richmond," although according to President Davis in September, 1864, two-thirds of them were absent, "most of them absent without leave." He expresses admiration at "the ingenuity and mechanical ability" of the Southerners in the production of the munitions of war, and quotes the opinion of General Josiah Gorgas, chief of the Confederate ordnance service, to show "the capacity of the South to continue warfare in April, 1865, so far as war material was concerned." He also refuses to accept "the starving condition of the Confederate soldier" as an explanation of the necessity for the collapse of the Confederacy, and shows clearly, again from Southern contemporary sources, that save in isolated cases food was plentiful in the South in 1865, though transportation difficulties prevented its proper distribution. To what then was the debacle due? In Dr. Channing's opinion it was due to the fact that the "will to fight" had gone from large sections of the Southern people. "The literary women of the South he says possessed an undying desire to fight to the bottom of the last ditch, but was it the same with the women living in the small towns, or on the lonely farms, or with the wives and

sisters of the soldiers?" He thinks not, and again appeals to Southern records to sustain him.

Before the Southern reader condemns Dr. Channing's conclusion, he would do well to read the contemporary Confederate records. One such record, which will appeal especially to North Carolina readers, I cannot refrain from quoting. Governor Vance, in a letter to David L. Swain, September 22, 1864, expressed his opinion of the situation as follows:

I never before have been so gloomy about the condition of affairs. Early's defeat in the Valley I regard as the turning point of this campaign and Confederacy. . . . The army in Georgia is utterly demoralized. . . . They are now deserting by hundreds per diem. . . . The sign which discourages me more than all else is the utter demoralization of the people. With a base line of communication 500 miles in Sherman's rear, through our own country, not a bridge has been burnt, a car thrown from its track, nor a man shot by the people whose country he has desolated! They seem everywhere to submit when our armies are driven off. What does this show, Governor? It shows what I have always believed that the great *popular heart* is not now and never has been in this war. It was a revolution of the *politicians* not *the people*; was fought at first by the natural enthusiasm of our young men, and has been kept agoing by State and sectional pride assisted by that bitterness of feeling produced by the cruelties and brutalities of the enemy.

This letter, which Dr. Channing has never seen, tends to bear out his conclusions that it was not military defeat, nor lack of munitions of war, nor starvation which brought about the sudden and unexpected collapse of Lee's army in April, 1865, but the loss of "the will to fight" on the part of the folks back home and its reaction on the army. Any one who considers this a reflection on the Southern people, or the Confederate soldier will have to explain away the abundant testimony to the same effect in the contemporary letters and other utterances of such men as Jefferson Davis, Joseph E. Johnston, and Robert E. Lee himself. Dr. Channing can hardly be criticized for considering these men pretty good authorities on the war psychology of the South.

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THE NEGRO OF THE OLD SOUTH. A Bit of Period History. By Mrs. Nicholas Ware Eppes. (Chicago: Joseph G. Branch Publishing Company. [c1925]. Pages xvi, xxx 203. Cloth. \$1.50.)

This little volume, so unpretentious in its modest cover, but so charmingly written, is worthy the setting of the best that the arts of the typographer, the illustrator, and the bookbinder can produce. It is a book to place on one's table, close at hand, or on the shelf whose volumes are read not once, but again and yet again. It was written with no attempt of display, but it is the welling over of a life filled full with rich experiences. The narrative is as simply told as if two friends were talking together, and right here lies much of its beauty and charm. It is not often that the reviewer of historical books has an opportunity to review a book of this nature.

*The Negro of the Old South* is not only a piece of literature. It is a contribution to the social history of the United States. Mrs. Eppes has drawn for her public various word pictures depicting the ante-bellum negro of her childhood and young womanhood, and by contrast the negro during the war between the states and "sence freedom drapped." The types she has chosen to portray are alive. We see with her, "Aunt Ginny, the Housekeeper," "Uncle Davy, the head-gardener," "Aunt Rachel and her babies in the day nursery at Horseshoe Plantation," "Bear Black Mammy," and many others, and all the three hundred-odd slaves of whom she writes. For this was a large plantation, a kingdom in miniature sufficient unto itself. Christmas festivals, hog killin's, and the Fourth of July Barbecue, to say nothing of the negro preacher, all spring into being at the magic touch of the author. The chapters on the plantation at the beginning of the war between the states, the first taste of freedom, carpet-bagger days in Florida, life on the plantation after the war, the tenant system, the religion of the negro, the part played by the American negro soldier in France, and education among the negroes: all these are valuable for the historian of the South.

In her foreword the author defines her purpose to be "to give you an idea of life as it was lived on the plantations of the wealthy planters of the Old South, and also to show the changes that came to the negro following his freedom." Accordingly, she has described the types that have seemed the most striking and that exhibit the best traits of the negro race. She has told her story, "because it is the

record of a time which is fast passing from the memory of man. The South has been misunderstood, even by many of her own people, and if these stories of the past throw even a little light on the days that are gone, we shall be satisfied." The narrative is not concerned primarily with the white owners—"de quality"—for the author has "tried to avoid as far as possible all mention of the white race" and has "only brought them in where it was necessary to explain the relation between the races; where the association was so constant and so close the story of the one cannot be told without the other, if the truth is desired." But we can see the life of the white owners of this great plantation, almost within sight of Tallahassee, Florida's lovely capital. "De gret house" was not one that took its duties lightly or attempted to shirk its responsibilities. Vivid characterizations are given of the master and mistress of the three hundred odd slaves. Work was carefully apportioned, but there was always consideration and kindness and generosity. The courtesy and refinement of the home is shown by the following: "Never on any account were we allowed to say unkind or impertinent things to them; the child who had once seen the look of contempt on the face of the mistress as she said, 'If you must be rude, be rude to your equals, never to your inferiors,' was not likely to forget it, nor was the offense at all likely to be repeated."

Important bits of economic history are mingled with gay and sad narrative. For instance, we note in the section dealing with the sad and bitter reconstruction period—a period one feels to have been unnecessary—that "It is to the Commission Merchants of New York, the Commission Merchants of the Sixties, that the crushed and broken South owes her rehabilitation. Without their aid, no amount of energy, or industry, or knowledge of affairs would have availed, for in this world of ours it takes a certain quota of money 'to make the wheels go round.' This they furnished, without question or stint."

It is quite fitting that the book should be dedicated "To Lula—my dear black Mammy," "by her grateful 'chile.'" The dedication is preceded by a poem entitled "Old Black Mammy"—which forms a touching tribute to the devotion of a black woman toward her white charge. One who, like the reviewer, has had the good fortune to hear the author recite this poem, has been, indeed, blessed by the gods.

And this brings the reviewer directly to the author herself. In her introduction and in her introductory chapter, Mrs. Eppes tells us something of herself—not much, for she is too modest. Her introduction must be quoted in full:

Always when we read a book, we wish to know something of the writer, so, if I may, I will tell of my past, and the circumstances which gave me so intimate an acquaintance with the race of which I write. There is a class of people who here in our Southland meet with a varied treatment: by some they are looked up to as the epitome of all excellence—by some they are hated and despised—and by some others they are held up to ridicule: but these same people go calmly on their way, loving their friends, and unmoved by their foes. They are dying out rapidly and when they are gone no more can come to take their places, for the conditions which made them possible perished with the Lost Cause.

These aristocrats of the Old South are beloved by the negroes—a kind of freemasonry exists between them and it is hard for an outsider to understand the loving kindness of the ex-master and the respectful love of the ex-slave; yet, it certainly exists, and this is why the opportunity has come to me to show these phases of negro character, for I am one of this much lauded—much abused—much despised—and much ridiculed class—one of the blueblooded children of the Old South, surrounded for many years by the slaves who were as truly ours as anything else we owned and served by them in many ways “sence freedum drapped.”

Further in her introductory chapter, we learn that the author is a direct descendant of Governor William Bradford of Massachusetts through Colonel John Bradford of North Carolina of pre-revolutionary and Revolutionary fame. It was his grandsons who were lost to North Carolina but gained by Florida. But this is not all, and the book does not tell this. Mrs. Eppes is also connected with the Branch family, one of whom, John Branch (her grandfather), became the last territorial governor of Florida. This was the John Branch who is best known as a citizen of North Carolina. Before being appointed territorial governor of Florida by President Tyler, he had served in both branches of the Legislature of North Carolina, was three times governor of his State, and was representative and senator at Washington, resigning as senator to become Secretary of the Navy under Jackson.

After his resignation from the ill-starred cabinet, he was again elected to Congress, and later appointed governor of Florida, which was his last political office. Of all the honors and titles he had won none was so dear to him as that of “Governor of North Carolina,”

and he took the greatest pride in his citizenship of that State. When Florida was made a member of the Union and his friends urged him to become a candidate for the governorship of the new State, he refused because he preferred not to give up his status as a citizen of his native State. Through her husband, who was the great grandson of Thomas Jefferson, Mrs. Eppes has a connection with another great American family and her children are direct descendants of the great democrat. All this is surely a title to Americanism. Mrs. Eppes still numbers among the treasures coming to the family through her husband, Jefferson's signet ring containing a lock of his hair, the writing desk which he used in Paris, and a fine Swiss watch which was purchased for Jefferson by Mrs. John Wayles Eppes but never worn by him. The watch was given by the purchaser to the husband of the author of this charming book. More important than all else, Mrs. Eppes still has a number of the original letters of Jefferson.<sup>1</sup>

The reviewer takes leave of this book with no apology for having used so much space. But in closing may he say that although the author of this charming volume has reached over the fourscore mark, and has, in common with many of the South's best people, passed through many trying experiences, she has not lost her cheeriness nor her sense of humor. Herself, notwithstanding dimming eyesight, she typed these remembrances of a life that is vanished—remembrances which she gave to the press only after the repeated insistence of many friends. Hers is the spirit that allowed the South to live through the bitter days of reconstruction with head erect and mind focused on the future.

JAMES ALEXANDER ROBERTSON.

Corresponding Secretary,  
The Florida State Historical Society,  
Takoma Park, Maryland.

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THE STORY OF DURHAM, CITY OF THE NEW SOUTH. By William Kenneth Boyd.  
Durham: (Duke University Press, 1925. Pages 345. Price \$3.)

So far as I know this is the first serious attempt yet made by a trained historian to write the story of the development of one of our leading North Carolina industrial cities. The fifteen chapter head-

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<sup>1</sup> See Henry S. Randall, *The Life of Thomas Jefferson* (New York, 1858); Sarah Nicholas Randolph, *The Domestic Life of Jefferson*; and Francis W. Hirst, *Life and Letters of Thomas Jefferson* (1925).



ings of the book will furnish a fairly good general idea of what is attempted. Those chapter headings in order are as follows: geographic influences and primitive inhabitants; early settlements to 1860; the Civil War and the Bennett House affair; the story of Bull Durham; W. Duke Sons & Company and the cigarette; origins of town and county; banking, textiles and other industries; railways and franchises; educational movements; the churches; health, philanthropy, and relief; the press; civic and social organizations; the negro; growth and government. In addition, there is a retrospect, an appendix on the Duke endowment, and an index to the whole.

Any half awake North Carolinian, I am confident, will be greatly interested in Professor Boyd's portrayal of the evolution of Durham. The story he tells is well worth telling. Similar stories of other North Carolina cities would add much to our knowledge of the forces which have contributed to our social and economic well being. And it is rather significant that the Durham Chamber of Commerce has financed the writing and the printing of this work. It possibly marks a new day in North Carolina when a group of business men get interested enough in the writing and in the worthy preservation of their own local history to put some of their money and their thought and time on its writing.

The physical make up of work is wholly attractive. As the printers say: "That is a good job." One could wish, however, that the author had added a chapter in which the relation of the industrial and other development of Durham to the larger industrial and social life of North Carolina during the past half century had been attempted somewhat graphically. For example, figures showing the value of the manufactured goods of Durham during each five or ten-year period with the whole of North Carolina would show as words could not the industrial significance of Durham.

Professor Boyd tells in the preface of his book how fire has destroyed the files of many local newspapers, as well as the official records of the city during its earlier development. That story of the loss of the sources of our history by fire and neglect could be duplicated in many other North Carolina communities. But a search through the contemporary files of the Raleigh papers in the State Library, for example, would have given the author the dates of the establishment and the demise of many of the Durham newspapers.

To say that *The Recorder* was removed in 1877 from Hillsboro to Durham, for example, ought hardly to pass as good historical writing, unless there is absolutely no means of greater accuracy at hand. And there is entirely too much writing of that kind in the book. On pages 274 and 275, for example, it is recorded that the Durham Woman's Club was organized in 1923, that the Piedmont Club was organized in 1921, that the Southgate Building at Trinity dates from 1920, and that the Washington Duke Hotel was the result of a city-wide campaign in 1923, but no date is assigned to the completion and opening of the hotel! Even the "the autumn of 1923" is as accurately as the date of the unveiling of the Bennett House memorial is set down.

Certainly the career of Charles D. McIver is better known in every detail than that of any other North Carolinian of modern times, hence, I can hardly account for Professor Boyd's carelessness in saying on page 178 that "in the following January (1883) Charles D. McIver left to assume the headship of the Winston City Schools, a stepping stone to his greater eminence as the founder of the North Carolina College for Women." The truth is that McIver left Durham to teach in the Winston Public Schools under J. L. Tomlinson, who was the Superintendent of the Winston Schools at the time. McIver was never superintendent of the Winston Schools.

And I must call attention to at least one example of Professor Boyd's slovenly English. There are many examples which might be cited which could hardly pass muster in polite English circles. But one instance will suffice. On page 81 there is an account of Washington Duke's first trip after the Civil War into Eastern North Carolina, peddling his "Pro Bono Publico" smoking tobacco, a part of which reads as follows: "The wagon was drawn by two blind mules; to its end was attached a victual box containing a frying pan, two tin plates, a tin cup, a side of bacon, a bushel of meal, and some sweet potatoes. Two blankets, two water buckets, and provender for the horses completed the outfit."

One can only smile and wonder why those "two blind mules" should have been permitted such a rapid transformation in the dignified pages of serious history as to become "horses" in such a brief period of time and in much less than the space of a page of printed matter!

Notwithstanding the defects I have enumerated, Professor Boyd's Durham is a very creditable work. I wish to put on record my appreciation of his latest contribution to our North Carolina life and its history.

CHARLES L. COON.

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HATTERAS AND OTHER POEMS: by Joseph William Holden, Raleigh. (Edwards & Broughton Company, 1925. Pp. 51.)

The early death of Joseph W. Holden, at the age of thirty years, cut short a promising literary career and disappointed the expectations of many North Carolinians who rated his "Hatteras" one of the noblest contributions to our poetical literature. It has often found place in periodical publications and in miscellaneous collections—as Longfellow's *Poems of Places*—Walter H. Page is credited with declaring it "the best in sentiment and tone that has been written in the South."

In his short life Mr. Holden had considerable experience as a newspaper writer, but appears not to have been a prolific writer of verse. His reputation as a poet rests chiefly upon his one famous poem written before he attained his twenty-first year, but it was not his only venture. There are shorter poems but so few in number that neither he nor his surviving friends have heretofore felt warranted in giving them book form. His sister, Mrs. Ida Holden Cowles, has now paid a graceful tribute to his memory and gratified her natural feelings of affection in the publication of this small volume. She has also rendered a distinct public service in making available to the students and lovers of our literature "Hatteras," a dozen short poems and the brilliant address of her brother in the City of Raleigh, in response to that toast at the Press Banquet given by the Raleigh Board of Trade at the Yarborough House in 1874, just before his death.

There is no doubt that Mrs. Cowles might have extended the work, without detracting from its value, by judicious selections from Mr. Holden's prose writing, for which she has whetted the appetite by the example given.

THOMAS M. PITTMAN.

HENDERSON, N. C.

CALVIN COOLIDGE, *The Man Who is President*. By William Allen White. (New York. The Macmillan Company, 1925. Pp. 252. \$2.00.)

In the first chapter of this book, with due propriety but unnecessarily, the author assures the reader that it is not a formal biography, the truth of which statement would be even more shining had he omitted the adjective. It is, we are told, the study of a personality. In the same opening chapter the author likewise announces his final conclusion: "Calvin Coolidge in the White House is only the little boy from Vermont." Vermont and "Silence" make Coolidge what he is. They are the dual forces in his life which correspond to the Scotch and Irish blood strains which Mr. White made struggle so violently for supremacy in Woodrow Wilson.

Twelve chapters are devoted to sketching the career of Coolidge from Vermont to his entrance into the White House of his own right in 1925. The author ignores all the facts or theories of the career which do not bolster his main contention that with Coolidge public service—Coolidge himself calls it "holding office"—is sacramental in character. In every disputed question—the Boston police strike, for example—without reference to evidence, his decision is a first base one—all doubts are resolved in favor of the runner—and the author doubts everything which involves criticism of Coolidge.

The nomination of Coolidge for Vice President in 1920 was no accident, rather it was the result of "the popular will revolting from its leadership." Only the iron grip of the Senate oligarchy, Mr. White evidently thinks, prevented the nomination of Coolidge for President in response to this same popular will. One wishes that Mr. White had explained why this popular will he writes of was so completely hidden from the observation of the public and from the senatorial leaders of the Convention.

Other illustrations of the author's methods are to be found in his treatment of the signing of the bill for increasing congressional salaries (pp. 145-146), and his brief mention of the change of the Coolidge heart in respect to the League of Nations (p. 234). Mr. White says: "If the American people of 1925 should change their ideals in 1928, Calvin Coolidge, who unconsciously takes the protective coloring of his times, might change slowly with them if he repeats himself. He has had, always, to change his exterior in order to repeat. He sloughed off Vermont in Amherst; sloughed off Am-



herst in Northampton; sloughed off Northampton in Boston. And as the governor who welcomed President Wilson in 1919 with a League of Nations speech, he sloughed off the Massachusetts of 1919 in Washington in 1923. 'Our entrance into the League of Nations is a closed episode,' he declared in his first message. Then he declared for the World Court which is an adjunct to the League." Mr. White does not even hint that it is a possible point of importance that every time Coolidge "sloughs off" a point of view he greatly profits personally thereby, nor does he take seriously, or even consider, the accusation that the silence of Coolidge resembles that of the small boy who replied to a question concerning his reason for silence with a frank "I ain't going to say nothing because I ain't got nothing to say."

The book contains somewhat extended studies of Senator Borah and Senator Curtis as the party leaders who personify the problems of Coolidge as President. Since they are not the central figures, their portraits are drawn with more precision and less of the impressionistic touch with which the author blurs his heroes.

Inevitably one compares this volume with the study of Woodrow Wilson. Here we find a bad method intensified. All the faults of the Wilson book—forced interpretation, superficiality, deliberate forcing of conclusions—are to be found in a more marked degree. Nor is it as interestingly written.

No, this is not biography, formal or informal. It is not history. Perhaps it is journalism. If so, when the book is finished the reader will be no longer in doubt as to what is the matter with journalism.

In any event, Mr. Coolidge deserves a better fate.

J. G. DE ROULHAC HAMILTON.

UNIVERSITY OF NORTH CAROLINA.

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THE ORIGINS OF PROHIBITION. By John Allen Krout, Instructor in History, Columbia University. (New York. Alfred A. Knopf. 1925. Pp. 339. \$3.50 net.)

In his opening chapter, "The Basis of Regulation," Dr. Krout shows very clearly that for two centuries after the founding of Jamestown the liquor problem in America extended but little beyond the "occasional lapse of individuals from judicious self control." The early attempts to regulate the traffic in intoxicants was never designed to do more than prevent, or at least lessen, drunkenness;

certainly it was not intended to prohibit either the sale or the use of liquor. In fact, it is fairly clear that it was based quite as much upon an eager public determination to make sure of having on sale at convenient places an abundant supply and proper variety of things to drink as it was upon any purpose to check their improper use. Nor was this unnatural. There was nowhere to be found belief that the use of intoxicants was wrong, morally or physically. "Puritan clergymen, Dutch merchants, and Virginia planters agreed that the use of alcoholic beverages was not only beneficial, but also necessary." "All were solicitous that there be adequate and cheap supply of good liquor available." At a very early date, too, the possibilities of the traffic from the standpoint of public revenue became apparent and in the course of time added to the complexity of the problem of regulation.

Quite the most interesting chapter in the book, and from the standpoint of social history one of the most important, is the one entitled, "Glimpses of an Old Order." Here are portrayed the tippling habits and customs of the people of the American colonies, among whom excessive drinking was the rule rather than the exception. Here we discover something of their tastes in liquor. Here we watch the transformation in taste which caused the virtual disappearance of wine and malt liquors from public and popular use, and the triumphant march to victory of "hard liquor," whether it was the rum of New England, inseparably associated with the profitable, if illegal, trade with the Indians and the perhaps less directly profitable African slave trade, or the whiskey of the Scotch-Irish of Pennsylvania and the South. Neither was as yet recognized in any system of demonology.

The existing system rested upon two basic foundations—the conviction of the people that liquor was a good thing, and its economic importance. The author thus indicates the nature of the former: "Rum seemed to be ubiquitous. It was found in the finest tavern and the vilest road-house. The traveler seldom journeyed far enough to escape it, even in the mountains of the frontier. People of fortune kept a stock of good quality in their homes, while the servant and common labourer regarded it as indispensable. Parents gave it to children for many of the minor ills of childhood, and its wholesomeness for those in health, it appears, was only surpassed by its

healing properties in case of disease. No other element seemed capable of satisfying so many human needs. It contributed to the success of any festive occasion and inspirited those in sorrow and distress. It gave courage to the soldier, endurance to the traveler, foresight to the statesman, and inspiration to the preacher. It sustained the sailor and the plowman, the trader and the trapper. By it were lighted the fires of revelry and of devotion. Few doubt that it was a great boon to mankind."

He thus sums up the commercial significance of liquor: "In whatever branch of trade the merchant invested his capital he relied upon rum or some other form of ardent spirits to earn profits for him. Since the traffic in intoxicants was consistently profitable for all who engaged in it, the public accorded it that approbation which attaches to most things indispensable to the world of business. Nothing short of a revolution in public opinion could remove it from its important place in American life."

In "Voices in the Wilderness" the author traces the beginnings of the agitation against excessive use of liquor. The moral protest began, as was to be expected, with the Puritan clergy, notable among whom were Cotton and Increase Mather. The Quaker soon joined with them in the protest, and later they received the aid of a small group of thoughtful physicians who opposed it on the score of health. A pioneer among those was Benjamin Rush, notable in politics and a great physician, who gave his voice and pen unrestrainedly to the cause of reforms, and whose theories became the accepted principles of the first temperance society in the United States. With the opening of the Nineteenth Century, strength and favor were added to the movement in New England by its identification with a Federalist movement against the rising Jeffersonian tide.

Temperance societies were organized early in the century, and while they accomplished little directly, they excited considerable influence upon the attitude of the churches, and the period of religious revival of the first quarter of the century saw the movement for temperance become identified with evangelical Protestantism. As was to be expected it soon was transformed from a temperance movement to a total abstinence movement. Its chief strength lay in New England or where those of New England stock predominated, but it slowly gained ground elsewhere.

Within the ranks of the reformers soon came dissension over the question of temperance as against abstinence, and later the Southern adherents were cooled by the prominence of abolitionists in the movement.

The Washingtonian movement is fully outlined and the work of Hawkins and Gough is described in some detail. An excellent chapter analyzes effectively what the author calls "The Literature of Protest."

In spite of gains the temperance movement accomplished little in the view of the extremist who came at last to control the movement. The abstinence movement accomplished less. The leaders, being extremists, were not evolutionists but revolutionists, and as such they abandoned largely reliance upon moral suasion and education and turned to the law. The passage of the Maine Prohibition Law of 1851 marked the triumph of the policy. And here the book ends.

The title of the work, in view of what the word Prohibition signifies today, even if technically accurate, is somewhat misleading. It deals with the origin of Prohibition, but it is chiefly the Prohibition of the Maine Law and not that of the Eighteenth Amendment, and they are essentially different things, or, at least, the results of quite different movements. Undoubtedly the former was of some importance among the factors which brought about the Eighteenth Amendment, but in the main that was accomplished by a movement disconnected, based upon conditions so widely different from those existing before 1861 as to be completely foreign to ante-bellum thinking, and carried forward by methods undreamed of in the earlier day. The history of the Prohibition we know today is still to be written.

But this is in no sense a criticism of Dr. Krout's excellent study, which is finely done. It is thorough, poised, judiciously detached, and very interesting.

J. G. DE ROULHAC HAMILTON.

UNIVERSITY OF NORTH CAROLINA.



## BOOKS RECEIVED

*The Genesis of the Constitution of the United States of America.* By Breckinridge Long. New York: Macmillan, 1926.

*Dante's Conception of Justice.* By Allan H. Gilbert, Professor of English, Duke University. Durham: Duke University Press, 1926. (Pp. VII-244. Price \$2.50.)

*Life and Letters of Thomas Jefferson.* By Francis W. Hirst. New York: The Macmillan Company, 1926. (Pp. XVIII-588. Price \$6.00.)

*The Intimate Papers of Colonel House.* Arranged as a narrative by Charles Seymour. Boston: Houghton Mifflin Company, 1926. (In two volumes. Price for the set, \$10.00. Other volumes promised.)

*A History of England from the Defeat of the Armada to the Death of Elizabeth.* By Edward P. Cheyney. New York: Longmans, Green & Company. (In two volumes: Vol. I (1914) pp: X-560. Price \$5.00; Vol. II (1926), pp. VIII-589. Price \$6.50.)

*Abraham Lincoln, The Prairie Years.* By Carl Sandburg. New York: Harcourt, Brace & Company, 1926. (In two volumes: Volume I, pp. XVI-480; Volume II, pp. VI-482. Price for the set of two volumes, \$10.00.)

*James Hook and Virginia Eller.* By James William Hook. New Haven: Tuttle, Morehouse & Taylor Company, 1925. (Genealogy privately printed, to be had of A. H. Eller, Winston-Salem, N. C. Pp. 171.)

*Andrew Jackson's Campaign Against the British.* By Mrs. Dunbar Rowland. New York: The Macmillan Company, 1926. (Pp. XV-424. Price \$3.50.)

## HISTORICAL NEWS

The North Carolina Historical Commission receives many requests for early numbers of the *North Carolina Manual*, *Proceedings of the State Literary and Historical Association*, the *North Carolina Booklet*, and *The North Carolina Day Program*. These publications are out of print. It is requested that anyone having duplicates of any of these publications send them to R. B. House, Secretary of the North Carolina Historical Commission, Raleigh, N. C. Any supply thus accumulated will be used to fill gaps in the collections of libraries and students, and a distinct service to North Carolina history will be rendered.

Back numbers of Volumes I and II of the NORTH CAROLINA HISTORICAL REVIEW may be had upon application to the Secretary of the North Carolina Historical Commission, at the regular price of \$2 per volume or 50 cents per number.

Frank Wood, a member of the North Carolina Historical Commission, and prominent in the business and civic life of Edenton, died at his home in Edenton Tuesday morning, January 26th. He was born in Edenton January 7, 1858. His father was a prominent planter and business man and a liberal supporter of the Episcopal Church. Frank Wood, also, had been prominent in the business life of Edenton as a former banker, and as a director of the fisheries and cotton mill business in Edenton. He was trustee of the North Carolina College of Agriculture and Engineering and of St. Mary's School. During the war he was Chairman of the Chowan County Council of Defense and of the War Savings Committee.

On January 28th the Governor appointed Ben Dixon MacNeill, of the staff of the *News and Observer*, to the Historical Commission, to fill out the unexpired term of Frank Wood.

On February 2d, before the United States Catholic Historical Society, at the Catholic College, New York City, Edward F. McSweeney delivered before the annual meeting an address entitled,

"Judge William Gaston of North Carolina, 1788-1844." It is a practice of the Society at this time each year to celebrate the life and works of some man prominent in literary and public life in America, who at the same time has been prominent in the Catholic Church.

The Year-book of the Historical Department of the United Daughters of the Confederacy announces as a general topic for historical study among the Daughters of the Confederacy for 1926, The Confederate Cabinet. A program calling for biographical and other studies of the Confederate Cabinet has been worked out by the general historian, Mrs. John L. Woodbury, Louisville, Ky.

Through the courtesy of Judge George P. Pell, of the North Carolina Corporation Commission, THE REVIEW has received a pamphlet which is the address of Clyde B. Aitchison, Chairman of the Interstate Commerce Commission, before the National Association of Railroad and Utilities Commissioners. The address is entitled, "A Century of Transportation Problems."

April 12th of this year is the sesquicentennial of the Halifax Resolution, adopted by the Provincial Congress of North Carolina in session at Halifax, April 12, 1776. This resolution is the first move made by any one of the thirteen colonies in a formal legislative session toward the Declaration of Independence.

Three instances of the importance of the work of the University of North Carolina Press have recently been furnished, as follows:

(1) Two of its books, *Law and Morals*, by Dean Pound, and *The Scientific Study of Human Society*, by Professor Giddings, have been placed on the world list of best books from all countries, published in 1924.<sup>1</sup> The various university presses of America are

<sup>1</sup>The American Library Association has selected at the request of the Committee on Intellectual Coöperation of the League of Nations the forty books of the year which it judges the most important for inclusion in a list of books of all countries. The world list is to be limited to 600 titles and to be published under the auspices of the Committee on Intellectual Coöperation of the League of Nations.

Countries publishing 10,000 or more new books annually are entitled to name forty. The British Empire, France, Italy, Japan, Germany, and the United States are the only nations in this class. Countries whose publishing is from 5,000 to 10,000 new works annually are entitled to name twenty; those of from 2,500 to 5,000, ten; below 2,500, five.

The best books ordinarily become known abroad very slowly, and it is thought that the annual publication of a concise list limited to 600 titles will be an effective means of drawing nations together into closer intellectual contact, by keeping them in touch with the works each nation believes to be its best. The American Library Association was selected as the authoritative body in the United States to choose that country's forty outstanding books of the year.

represented in the world list as follows: Chicago, 3 books out of 38 published; the University of North Carolina, 2 out of 12; Harvard, Yale, and Columbia, 1 each.

(2) The Carnegie Foundation for International Conciliation purchased 110 copies of E. C. Branson's *Farm Life Abroad* to place in depository libraries which receive from it books promoting international understanding.

(3) The American News Company purchased 175 copies of Dean Pound's *Law and Morals* for use in Japan.

The *News and Observer* for December 17th carries a series of interesting articles on James Cochran Dobbin. The same paper, beginning January 31st, carries a series of articles by Ben Dixon MacNeill on "The Riddle of the Lumbee Indians," which is both interesting and valuable.

James A. Robertson, Secretary of the Florida Historical Society, visited the Historical Commission in March. His purpose was to examine the records from Spain that had been secured by the North Carolina Historical Commission.

It is announced that Duke University Press will take over the publication of the *Hispanic-American Review*.

In the *Progressive Farmer*, Raleigh, N. C., there is running a story by A. E. Dewar entitled "The Road to Carolina." This deals with the War of the Regulation, and is a very good piece of work.

Emil Fuchs has donated his statue, "Mother Love," as a memorial to the women of the Southern Confederacy, THE REVIEW is informed by Mrs. Marie Louise Powell, his secretary. Plans are on foot for the erection of the memorial in Washington, D. C. Mr. Fuchs has also donated to the North Carolina Hall of History etchings of Lee and Jackson.

Volume I, *Calendars of Collections*, by D. L. Corbitt, Calendar Clerk on the Historical Commission staff, will be issued about June first by the North Carolina Historical Commission.



The North Carolina Historical Commission has had photographed in the Archives of the Indes in Seville selections of manuscripts dealing with North Carolina 1660-1729; cir. 1800. It purposes to complete the selection from 1660 through 1800. The selection has been greatly facilitated by the courteous assistance of James A. Robertson of the Florida State Historical Society. The selected documents already in hand number about 10,000 pieces.

Ex-Governor Julius C. Gunter of Colorado visited the North Carolina Historical Commission rooms in March.

The Historical Commission has received from Mrs. John Huske Anderson, State Historian of the U. D. C., a group of rare pictures showing Fayetteville as it was about 1860. Mrs. Anderson is exceedingly active and enthusiastic in stimulating interest in North Carolina history.

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## CONTENTS

SCHOOL SUPPORT AND OUR NORTH CAROLINA COURTS, 1868-1926.....	399 ✓
CHARLES L. COON	
AN ANTIGUA PLANTATION, 1769-1818.....	439 ✓
ULRICH B. PHILLIPS	
DEFEATISM IN THE CONFEDERACY.....	446 ✓
FRANK L. OWSLEY	
SOME NORTH CAROLINA TRACTS OF THE EIGHTEENTH CENTURY .....	457 ✓ <i>2, also Oct</i>
WILLIAM K. BOYD	
HISTORICAL NOTES .....	477
D. L. CORBITT	
BOOK REVIEWS .....	506
BASSETT'S <i>The Plantation Overseer</i> —By R. H. TAYLOR; OWSLEY'S <i>State Rights in the Confederacy</i> —By CHARLES LEE SNYDER; BREVARD AND ROBERTSON'S <i>A History of Florida from the Treaty of 1763 to Our Own Times</i> —By JAMES OWEN KNAUS; SEARS'S <i>John Slidell</i> —By THOMAS ROBSON HAY; ROWLAND'S <i>Andrew Jackson's Campaign Against the British or the Mississippi Territory in the War of 1812</i> , BOLTON'S <i>Arredondo's Historical Proof of Spain's Title to Georgia</i> , FRIES AND PFOHL'S <i>The Moravian Church</i> , SIMKINS'S <i>The Tillman Movement in South Carolina</i> —By THOMAS M. PITTMAN. ✓	
HISTORICAL NEWS.....	519

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## CONTENTS OF THE LAST TWO NUMBERS

### JANUARY, 1926

THE STUDY OF THE NEW SOUTH.....	Benjamin Kendrick
TRAVEL AND TRANSPORTATION IN COLONIAL NORTH CAROLINA.....	F. W. Clonts
NORTH CAROLINA IN THE SCHOOL GEOGRAPHIES 100 YEARS AGO.....	Charles L. Coon
SOME N. C. TRACTS OF THE EIGHTEENTH CENTURY.....	William K. Boyd
HISTORICAL NOTES.....	D. L. Corbitt
SAMUEL A'COURT ASHE.....	R. D. W. Connor
BOOK REVIEWS	
POLITICAL INCONSISTENCY	
HISTORICAL NEWS	

### APRIL, 1926

SCIENTIFIC AND INTERPRETATIVE HISTORY.....	William Whatley Pierson, Jr.
THOMAS COOPER AND THE STATE RIGHTS MOVEMENT.....	Dumas Malone
A HISTORY OF THE PIEDMONT RAILROAD COMPANY.....	C. K. Brown
SOME N. C. TRACTS OF THE EIGHTEENTH CENTURY.....	William K. Boyd
HISTORICAL NOTES.....	D. L. Corbitt
BOOK REVIEWS	
HISTORICAL NEWS	

# THE NORTH CAROLINA HISTORICAL REVIEW

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## SCHOOL SUPPORT AND OUR NORTH CAROLINA COURTS 1868-1926

BY CHARLES L. COON

Whatever progress North Carolina has made since 1868 toward the beginnings of a moderately efficient public school system has been made in the face of three major difficulties. I would define the first of those major difficulties to be the tragically persistent and continuing indifference of the majority of the people to the blighting effects of illiteracy, and their consequent indifference to and hatred of public taxation for the extermination of that illiteracy. The second of those major difficulties, which for many years stood in the way of even a good beginning toward our redemption from the thralldom of illiteracy and which profoundly hindered all public educational progress from 1871 to 1907, centers around the singularly narrow and reactionary interpretation placed by our highest court during all those 36 long years upon section one of Article V of our State Constitution as it read before it was amended in 1922, which interpretation resulted in such a limitation of taxation as to render impossible any adequate financial support of the pathetically meager minimum four months' school term prescribed by the Constitution of 1868.<sup>1</sup> And the third of those major difficulties with

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<sup>1</sup> The 1868 Constitution of North Carolina, Article V, section 1, read: "The General Assembly shall levy a capitation tax on every male inhabitant of the state over twenty-one and under fifty years of age, which shall be equal on each to the tax on property valued at three hundred dollars in cash. . . . and the State and county capitation tax shall never exceed two dollars on the head." Article V, section 1, now reads as follows: "The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied."

Article V, section 6, now reads: "The total of the State and county tax on property shall not exceed fifteen cents on the one hundred dollars value of property, except when the county property tax is levied for a special purpose with the special approval of the General Assembly, which may be done by special or general act: *Provided*, this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by article nine, section three, of the Constitution: *Provided further*, the State tax shall not exceed five cents on the one hundred dollars value of property."

which public school progress has had to reckon every year since 1871 is the arbitrary, traditional, and unprogressive construction our highest court has uniformly placed on section seven of Article VII of our fundamental law,<sup>2</sup> with the result that the cost of a school house and the support of schools is still yet a wholly *unnecessary municipal expense*, except for a county in aid of the maintenance of the present minimum six months school term. However, during the past third of a century it has come about by wholly judge-made statutes, interpreting that section of the Constitution, that such material things as streets, bridges, light plants, town halls, fire stations, water works, gas plants, market-houses, and even pens for slaughtering cows and pigs are necessary municipal expenses for the erection of which debts may be created by the proper local officials without the approval of the people who must pay the debts. Any North Carolina municipality may now create a public debt for a slaughter house, for example, without a favorable vote of the people. But even if fire should destroy that municipality's only school house, the proper municipal officials would be almost criminal, if they should even attempt to create a public debt to replace their burned school plant without first submitting the question of making such a debt to the qualified voters of the municipality for their approval. It must also be remembered that any voter may vote against borrowing the money to replace that burned school house by simply registering and staying at home on election day and refusing to cast a ballot! All of which is the result of decisions of our highest court and not of statutes enacted by the General Assembly.

But our courts and all our people have made much notable progress in their thinking about education since the turbulent days of 1868. It shall be the aim of this essay to sketch that progress as it is disclosed in our court decisions, relating to the support of public schools, with some comments which I trust may not be regarded as wholly inappropriate.

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<sup>2</sup> Article VII, section 7, says: "No county, city, town or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters therein."

## I

## CONSTITUTIONAL PROVISIONS FOR SCHOOL SUPPORT

The makers of our fundamental law thought in 1868 that they were establishing by constitutional mandate a system of free public schools, supported by taxation and otherwise. They included in the bill of rights that arresting declaration<sup>3</sup> that "the people have a right to the privilege of education and it is the duty of the State to guard and maintain that right." And they placed at the very beginning of the article on education that singularly enlightened bit of statesmanship taken from the Ordinance of 1787: "Religion, morality and knowledge being necessary for good government and the happiness of mankind, schools and the means of education shall be forever encouraged."<sup>4</sup>

Our constitution makers of 1868 devoted a whole article of that document to education, giving the subject as much physical prominence as they gave to the courts or to legislation or to taxation or to municipal corporations. The General Assembly was required to provide by "taxation and otherwise for a general and uniform system of public schools,"<sup>5</sup> and "each county of the State shall be divided into a convenient number of districts in which one or more public schools shall be maintained at least four months (six months since 1918) in every year; and if the commissioners of any county shall fail to comply with the aforesaid requirements of this section, they shall be liable to indictment."<sup>6</sup>

Then, for additional support of the system of public education proposed to be established, section three of Article IX of the Constitution provided that the proceeds of all lands which have been granted or may hereafter be granted by the United States to North Carolina, as well as the proceeds of the former Literary Fund and all funds derived from the sale of State lands and "so much of the ordinary revenue of the State as may be by law set apart for that purpose" shall be a part of the State school fund and shall be used

<sup>3</sup> N. C. Constitution, Article 1, section 27.

<sup>4</sup> N. C. Constitution, Article IX, section 1.

<sup>5</sup> N. C. Constitution, Article IX, section 2: "The General Assembly at its first session under this constitution shall provide by taxation and otherwise for a general and uniform system of public schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools; but there shall be no discrimination in favor of or to the prejudice of either race."

<sup>6</sup> N. C. Constitution, Article IX, section 3.



for no other purpose. Then, section five of Article IX directed that the net proceeds from the sale of estrays and "the clear proceeds of all penalties and forfeitures and of all fines, collected in the several counties for any breach of the penal or military laws of the State . . . shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State." And section fifteen of the article on education read: "The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability shall attend the public schools during the period between the age of six and eighteen years for a term of not less than sixteen months, unless educated by other means." Finally, it must also be recalled that section two of Article V of the Constitution set aside three-fourths of the State and county poll tax of two dollars for the support of the public schools.

To sum up, the 1868 Constitution authorized direct State appropriations in support of public schools, it required taxes to be levied by the county commissioners in support of public schools for at least the minimum term of four months; it further provided that all fines, forfeitures and penalties should belong to the school fund; it provided that three-fourths of the two dollar poll tax should belong to the school fund; that certain other funds should be used only for the support of the public schools; and, finally the General Assembly was given authority to compel the attendance of all children on the public schools for a minimum term between the ages of six and eighteen.

## II

### ATTEMPTS TO ESTABLISH THE MINIMUM SCHOOL TERM, 1869-1907

Having such a constitutional mandate to establish a system of public schools as has been set forth in the preceding paragraphs, the General Assembly on April 12, 1869, enacted a statute providing the necessary machinery. That statute prescribed that the poll tax should be paid into the State Treasury and that \$100,000 additional be added as a direct State appropriation, and that the aggregate amount of both the poll tax and the direct State appropriation should be apportioned to the several counties to aid them to maintain at least a four months public school in every district. No part

of that State appropriation was to be used for any purpose other than to pay the salaries of teachers.<sup>7</sup> For additional school support the county commissioners were required to levy a "tax for the purchase of sites for schoolhouses, for building or renting schoolhouses."<sup>8</sup> The township school committees were required to make an estimate of the expenses for fuel and other charges for at least a four months school term in every year, taking into consideration, of course, the funds expected from State and county sources, and to submit that estimate first to the voters of the township. If that estimate was rejected by the township voters, then it was to be submitted to the county commissioners who were required to levy a township school tax to cover the amount of the estimate<sup>9</sup> for at least the four months minimum school term.

At this distance, it would appear that the General Assembly of 1868-69 provided ample machinery on paper, at least, to guarantee the establishment of public schools and for their support for at least four months in the year. But that General Assembly and the friends of public schools did not take into full account what tax haters, assisted by widespread indifference to illiteracy and by indifferent local officials and by able lawyers and the courts might all do to nullify the provisions they had set up to support public schools for the first time in all our history by really honest-to-goodness taxation. Some local officials earnestly attempted to obey the law and to establish schools. It would seem from the school reports of that time that the great majority of those officials made no very serious effort to carry the school law of 1868-9 into effect.

However, it did not take very long for a tax controversy to reach the courts. The people of number three township in Craven County by their votes declared they would not voluntarily assist the establishment of public schools in their midst by a township tax to aid in conducting them for the year 1870. The township committee then presented their budget as directed to the Craven County commissioners who levied the necessary tax on the property of township number three to guarantee a four months term in that township (school district), taking into consideration additional State and county funds, as required by the provisions of the school law of

<sup>7</sup> Public Laws 1868-69, chapter 165, sections 52-55.

<sup>8</sup> Section 10, chapter 165, Public Laws 1868-69.

<sup>9</sup> Chapter 165, Laws 1868-69, section 25.

1868-69. As soon as the tax was levied on number three township, James S. Lane and others sought an injunction to prevent its collection on the ground that the levying and collection of the tax was in violation of section 7 of Article VII of the Constitution, and also on the ground that in levying the tax the commissioners had disregarded "the equation of taxation" as required by section 1 of Article V of the Constitution of 1868. The defendant *tax collector* and the commissioners answered that "they had acted in pursuance of the State Constitution and the Act of 1868-69, ch. 165, which was enacted to carry out its provisions; and that the tax in question did not require the vote of a majority of the qualified voters of the township nor the equation of taxation, because it was a tax for a necessary expense."

On November 12, 1870, Judge William J. Clarke, of the Superior Court of the district, decided the controversy in favor of the levying and collection of the tax. Lane and others thereupon appealed their case to the Supreme Court. That court reversed the judgment of the lower court, holding "that townships have not the power of taxation for school purposes, either through their trustees or committees. Nor has a county the power to levy township taxes, as distinguished from the general county tax for school purposes. And in laying the county tax for school purposes, the equation of taxation must be observed."<sup>10</sup>

So, in the name of uniformity the General Assembly of 1868-69 which had created the several townships as governmental and administrative county units<sup>11</sup> was held not to have the power to authorize and to compel by statute its creatures to levy a tax in aid of a four months school term. It may be conceded that there was some slight conflict in the school act of 1868-69 and the township act as to whether the intended township school tax, under certain circumstances, was to be levied by the township officers or by the county commissioners. At this distance, it does not seem, however, that there was hardly such ambiguity in the township act and the school act of 1868-69 as would make it impossible for a court to uphold and to harmonize both acts in the interest of the establishment of public schools.

<sup>10</sup> *Lane v. Stanly*, 65 N. C., 153.

<sup>11</sup> Laws of 1868-69, chapter 186.

Evidently the authors of the Constitution of 1868 and the authors of the school act of 1868-69 intended that the State, the county and the township (school district) should all contribute by taxation to the support of public schools, never even dreaming that any one would seriously argue that public schools were not a necessary State, county, and municipal expense or that any one would invoke the general tax limitation of section 1 of Article V to prevent adequate taxation for the establishment of public schools in every district for at least four months in every year.

Certainly if that Craven case had been settled as Judge Clarke thought it should have been, then much of our subsequent educational history would never need to have been written. The towns and the townships could have gone ahead under the general school law and could have established such public schools as local public opinion approved without resort to special legislation and the creation of school districts independent of the county school system.

Indeed, the enemies of the schools won a great victory by virtue of the provisions of that memorable case of *Lane v. Stanly*. They had secured the opinion of our highest court that the people, acting through their General Assembly, could not exercise their taxing power for schools over the townships (school districts) through the county commissioners, even in aid of the school term those same commissioners were made indictable for not maintaining, because schools for townships (school districts) and for other municipalities created by the General Assembly were not such a necessary municipal expense for which taxes could be levied without the approval of a majority of the qualified (registered) voters! Our highest court decided in the case of *Lane v. Stanly* that public schools were a necessary expense for the minimum term of four months for the whole county, but not a necessary expense for the smaller integral parts or units composing the county, viz., the townships which the school law of 1868-69 designated as the school districts of the county. It has always been rather difficult for this layman to understand how it is good sense and good law now, or how it ever has been good sense and good law, to say that public schools are a necessary expense for a county and at the same time to deny that public schools are a necessary expense for the constituent and integral parts of the county (the townships) or for any smaller municipality created by



the General Assembly for governmental purposes, pursuant to authority derived from the constitution. However, *Lane v. Stanly* decided that the county commissioners could only levy a uniform county tax to maintain the minimum school term of four months and that that county tax must conform to the limitations embodied in section 1 of Article V of the Constitution.

When the General Assembly of 1871-72 met, it proceeded to revise the school law of 1868-69. By chapter 189, Laws of 1871-72, it was enacted that there should be levied a so-called State tax of  $6\frac{2}{3}$  cents on each \$100 valuation of property and 20 cents on each poll in the several counties, the proceeds to be paid to the county treasurers by the tax collectors of the counties with the proviso added, "that it shall not be lawful for the county commissioners of any county to levy an additional tax for free public school purposes."<sup>12</sup> If that meager tax rate would not maintain the public schools of any county for "at least four months in every year," then by legislative enactment the commissioners were not to be indicted, as the Constitution declared they must be, for failure to provide sufficient funds to maintain the minimum school term in every district!

It is hardly necessary here to show that public schools could not be maintained in every district of every county for the year 1871-72 on the meager so-called State tax authorized, which was really not a State tax at all but a county tax, levied on the property of each county and collected by the county authorities and spent by them for the maintenance of their own county public schools. However, that act of 1871-72 which assumed to nullify in the name of *Lane v. Stanly* an important section of the Constitution making the county commissioners indictable if they failed to provide sufficient funds

<sup>12</sup> Alexander McIver, State Superintendent of Public Instruction, on pages 40 and 41 of his 1874-5 Report, wrongly interprets *Lane v. Stanly* as follows: "The General Assembly evidently believed that they were providing by taxation for schools when they made it the duty of the school committee of each township to make an estimate of the amount of money necessary to support the schools of the township, and required the county commissioners to levy taxes to that amount upon the township. The meaning of the Constitution, however, seems to be, as determined by a decision of the Supreme Court, that the General Assembly shall provide by taxation, that is, shall levy a tax sufficient to support the schools four months. The Constitution gives this power to the legislature and makes it their duty to exercise it. If the General Assembly, instead of levying the taxes directly, authorize the county commissioners to levy them, they fall within the prohibition of the Constitution, that no county, city, town or other municipal corporation shall levy any tax, except for the necessary expenses thereof, unless by a majority vote of the people. The school tax not being a necessary expense within the meaning of the Constitution, can be levied and collected by the county commissioners only by a vote of the people. The Legislature, however, can levy them, and the Constitution makes it their duty to do so." Evidently the school tax haters of 1871-2 had succeeded in giving such a meaning to *Lane v. Stanly* in order to escape taxes. It is impossible to explain the school law of 1871-2 except to attribute it to violent opposition to adequate county taxation for public schools.

to maintain the public schools for at least four months in every year seems to have been so popular that it never reached the courts for judicial interpretation.

The General Assembly of 1872-73 increased the so-called State tax for public schools from  $6\frac{2}{3}$  cents to  $8\frac{1}{3}$  cents on each \$100 valuation of property and from 20 cents to 25 cents on each taxable poll; and solemnly declared that, if any county found it could not maintain its public schools for at least four months on such slender means, then in that event the commissioners might levy a special county school tax, which special tax must, however, not be levied and collected until it should first be approved by a vote of the people of the entire county! In a word, the General Assembly of 1872-73 declared it would no longer be responsible for the failure of the county commissioners to maintain one or more public schools in every district (township) for at least four months during the year 1873, but that it would pass that nullification of the Constitution on to heads of the people of the several counties. Of course, if the people of any county wished to nullify their own Constitution which required at least a four months public school term for the children, then it would be perfectly agreeable to the General Assembly that that be done! In the same manner the tax haters and the enemies of the public schools again used the *Lane v. Stanly* case to nullify the plain intent and requirements of the Constitution in 1876-77. The General Assembly of that year levied a so-called State school tax of  $8\frac{1}{3}$  cents on the \$100 valuation of property and 25 cents on each poll and again declared that, if the county commissioners of any county found their funds insufficient to provide at least a four months school term in every district, they might levy an additional school tax, provided they first secured the approval of the people of the county.<sup>13</sup> The General Assembly of 1879 did not modify the taxation features of the school law of 1876-77, hence from 1871 to 1881, ten years, it was against the statute law of North Carolina for the commissioners of any county to levy enough county tax to maintain at least a four months school without a vote of the people, even though the Constitution did solemnly declare they must be indicted, if they failed to provide sufficient funds to maintain the minimum term in every district.

<sup>13</sup> Chapter 90, Public Laws 1872-73.

<sup>14</sup> Chapter 162, Laws of 1876-77.

When the General Assembly of 1881 adjourned, it had revised the school statutes in many particulars. A State tax of  $12\frac{1}{2}$  cents on the \$100 valuation of property and  $37\frac{1}{2}$  cents on each taxable poll was levied for the support of the public schools. And, in addition, it was enacted that "if the tax levied in this act for the support of the public schools shall be insufficient to maintain one or more schools in each district for the period of four months, then the county commissioners of each county shall levy annually a special tax to supply the deficiency for the support and maintenance of said schools for the said period of four months."<sup>15</sup>

Now, for the first time since 1871, our school statutes did not contain a plain provision for the nullification on the part of the county commissioners of their solemn duty to maintain public schools for the minimum term of at least four months. The spell of the case of *Lane v. Stanly* no longer dominated our school statutes. The General Assembly of 1883 did not modify in any vital way the 1881 statutes relating to school support, hence the 1881 statutes remained in force until 1885, when the General Assembly again made considerable changes in the school law. The  $12\frac{1}{2}$  cents property tax was retained and the following significant legislation was enacted:<sup>16</sup> "If the tax levied by the State for the support of the public schools shall be insufficient to maintain one or more schools in each school district for the period of four months, then the board of commissioners of each county shall levy annually a special tax to supply the deficiency for the support of said schools for the period of four months or more."

It will be observed that the General Assembly of 1885 declared that in its opinion the minimum school term of at least four months must be maintained by the commissioners by special county taxation, if necessary, without a favorable referendum to the people of the county; that the limitations on the tax rate imposed by section 1 of Article V of the Constitution did not operate to prevent the establishment of public schools in every district for the minimum term, at least; and that, in so far as that minimum term was concerned, section 7 of Article VII of the Constitution did not operate to compel a favorable referendum to people of the special tax rate levied in support of that minimum term. And it is also very significant

<sup>15</sup> Chapter 200, Laws of 1881.

<sup>16</sup> Chapter 174, Laws of 1885, section 23.

that the 1885 General Assembly by the use of the words "for the period of four months or more" clearly implied that the commissioners of no county were limited to a four months school term in levying special county taxes for schools. Of late years we have heard much from the courts about the supposed illegality of a special county tax levy for schools beyond the minimum term of four months or six months, without a favorable vote of the people first obtained. However, that phrase, "for four months or more," remained a part of our statute law during all the twenty-five years from 1885-1909. But I shall discuss that question more fully later on.

Soon after the adjournment of the General Assembly of 1885, the commissioners of Sampson County levied enough special county tax to provide at least a four months school term in every district of that county for the school year 1885-86, disregarding the tax limitation imposed by section 1 of Article V of the Constitution, as well as the implications of section 7 of Article VII of the Constitution that such disregard of the rate of taxation was an unnecessary expense which must first be submitted to the voters of the county for their approval. But as soon as those Sampson commissioners proceeded, under section 23 of chapter 174, Laws of 1885, to collect enough tax to conduct their schools for at least four months, S. Barksdale and other citizens of that county promptly enjoined its collection.<sup>17</sup> That controversy was heard in Sampson Superior Court before Judge A. A. McKoy at the October term. Judge McKoy sustained the contentions of Barksdale and others and enjoined the collection of the special county school tax proposed and the defendant commissioners appealed to the Supreme Court. That court decided against the collection of the tax. The Chief Justice, W. N. H. Smith, wrote the opinion of the court which declared:

1. That it was the duty of the county commissioners under Article IX of the Constitution to levy a tax sufficient to conduct the schools for four months in each year, but that in doing so the commissioners must not exceed the limitation of taxation imposed by section 1 of Article V of the Constitution.

2. That so much of chapter 174, Laws of 1885, as permitted the commissioners to disregard the tax limitation of section 1 of Article

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<sup>17</sup> *Barksdale v. Commissioners*, 93 N. C., 473



V of the Constitution in order to maintain public schools for four months in every year was unconstitutional and void.

3. That the General Assembly could not authorize a special county tax to maintain schools for four months under the provisions of section 6 of Article V of the Constitution, on the ground that the special tax was a tax for a special purpose.

4. That when the Constitution imposed on the county commissioners the duty to maintain schools for four months and did not provide the entire means to execute that duty, then the commissioners were absolved from indictment when they employed all the means at their command, subject to the tax limitation of section 1 of Article V of the Constitution.

That decision meant, in effect, that the commissioners of any county might levy whatever taxes for roads, bridges, and for other so-called county purposes which they saw fit and proper to levy; that the General Assembly might do likewise; and that then, if there was anything left out of the sacred and inviolable 66 $\frac{2}{3}$  cents tax rate limitation on each \$100 valuation of property, the residue could be graciously applied to the maintenance of the public schools for at least four months in every year!

Surely, that part of the opinion of the court which attempted to nullify the power of the General Assembly even to authorize a special county tax for the support of public schools beyond the tax limitation of section 1 of Article V of the Constitution reflects the utmost reactionary narrowness of Constitutional construction ever promulgated by a North Carolina court. The same General Assembly which thus attempted to provide the means to conduct at least a four months school term in every district by authorizing a special county tax for that purpose enacted a number of special statutes which were never nullified by our highest court, conferring on counties the power to levy special county taxes for the erection of court houses, paying debts, and the like, all of which special county taxes were to be levied beyond the tax limitation of section 1 of Article V, and without popular approval. It must be asserted, therefore, that such a court decree as that promulgated in the Barksdale case certainly indicates that the majority of our highest court as late as 1885 was unable to take any large or broadminded view of the meaning and intent

of the public school provisions of the Constitution of 1868. However, it is a pleasure to relate the fact that the narrow and reactionary majority opinion of the court in the Barksdale case was not a unanimous decree. Justice A. S. Merrimon put in the records of the court a dissenting opinion, which twenty-two years later partially became the majority opinion of the court. Judge Merrimon said that the proper view of the Constitution meant:

1. That the power of the General Assembly to require the levying of adequate taxes for the support of at least a four months school in every year was unaffected by the limitation upon the general power of taxation set forth in section 1 of Article V of the Constitution; that the General Assembly might authorize the disregard of that limitation of taxation to the extent necessary to carry out one of the leading and most important purposes of the Constitution, namely, the maintenance of the public schools for at least four months in every year. Hence, there could be no limitation of taxation which operated to prevent the commissioners of any county from maintaining the minimum school term.

2. That the General Assembly may, "in the exercise of its almost unlimited power over counties, create this county purpose and impose such burden just as it may require the several counties to construct and keep in repair courthouses, roads, bridges and the like things. The legislative power in the one case is as broad and plenary as in the other. I know not where any distinction in this respect is to be found. If the Legislature may impose such burden, then it becomes a part of the necessary expenses of each county, and such tax as that in question is not forbidden by the Constitution, Article VII, section 7, which prohibits a county tax to be levied except for the necessary expenses thereof, unless by a vote of the majority of the qualified voters."

That dissenting opinion of Judge Merrimon in the Barksdale case is entirely the most statesmanlike judicial utterance made by any North Carolina judge during all the years since 1868, respecting the support of the public schools by taxation. He declared with great force that our Constitution did not contain any limitation of taxation which could properly be invoked against the maintenance of the minimum four months school term. And he also clearly indicated what must now also be apparent to even the most superficial reader of

our Constitution, viz., that the General Assembly has ample power to declare public schools a necessary county expense, not only for four (six) months but also for more than four (six) months.

The practical effect of the majority opinion of our Supreme Court in the Barksdale case, however, was to doom the counties to be content with public schools conducted for much less than four months in every year. By 1885 only Greensboro, Raleigh, Salisbury, Goldsboro, Wilmington, Fayetteville, Durham, Charlotte, and a few other towns had established schools for as long as 180 days in the year by special local taxation approved by a vote of the people, permission to do so in each instance having been first granted by a special legislative enactment. Indeed, the average school term of the State as late as 1890 was considerably less than the pitifully inadequate term of 60 days in each year. But the Barksdale decision remained undisturbed in its career of promoting illiteracy, except for a fruitless attempt on the part of Bladen County<sup>18</sup> to get it reversed in the fall of 1892, until the summer of 1907. In that year the commissioners of Franklin County were persuaded to levy a one cent special property tax beyond the 66 $\frac{2}{3}$  cents State and county limit and a three cents special poll tax for the purpose of maintaining the public schools of that county at least four months during the school year 1907-8. That proposed meager tax levy beyond the judicially sacred provisions of section 1 of Article V of the Constitution soon found an injunction pending to prevent its collection. The case of *Collie v. Commissioners*<sup>19</sup> went to our Supreme Court in the fall of 1907, almost twenty-two years to the day after the Barksdale case and fifteen years after the Bladen County case had been argued and decided so disastrously to the best interests of the children and their schools.

Judge George H. Brown wrote the opinion of the Supreme Court which reversed the prohibitions of the Barksdale case. The vital matters in the Collie case were stated by Judge Brown as follows:

1. "We hold with Mr. Justice Merrimon in the Barksdale case, that while this limitation upon the taxing power of the General Assembly prevails generally, it does not always prevail, and that it should not be allowed to prevent the giving effect to another article of the same instrument equally peremptory and important. We

<sup>18</sup> *Board of Education of Bladen County v. Board of Commissioners of Bladen County*, 111 N. C., 578.

<sup>19</sup> *J. R. Collie v. Commissioners of Franklin County*, 145 N. C., 170.

must not interpret the Constitution literally, but rather construe it as a whole; and we should, if possible, give effect to each part of it. The whole is to be examined with a view to ascertaining the true intention of each part, and to giving effect to the whole instrument and to the intention of the people who adopted it.

2. "Instead of prescribing the rate of tax to be levied for the purpose of a four months school, the General Assembly properly and wisely left the amount to be levied to be determined by the county authorities of each county. In some counties it may not be necessary to levy any tax, while in others some tax, differing in amount, will have to be levied and collected in order to carry out the directions of the law. In levying the tax the board of commissioners must observe the equation between property and poll fixed in the Constitution. In estimating the tax necessary beyond the limit of 66 $\frac{2}{3}$  cents on property and \$2 on the poll to give a four months term, no longer period may be considered. When the four months requirement is fulfilled, the limit of taxation fixed in Article V necessarily takes effect, and anything beyond that would be void.

3. "While the General Assembly must regard such limitation upon its power to tax, as defined in many decisions of this court, when providing for the carrying out of objects of its own creation and the ordinary and current expenses of the State government, yet, when it comes to providing those expenses especially directed by the Constitution itself, we do not think the limitation was intended to apply."

Judge Walter Clark in his concurring opinion said that "the error has been in assuming that in such case the necessary expenses of the county came first. Such is not the mandate of the Constitution. The maintenance of schools for four months in each county is imperatively commanded. If the margin left is not sufficient to raise money enough to defray the necessary expenses of the county, taxes for that purpose can be levied without a vote of the people, by approval of the General Assembly."

That reversal of the Barksdale case was truly a great victory for the schools, as well as for more enlightened constitutional construction. The dead hand of reaction and literalism was no longer to prevail. The minimum four months term, however, was entirely too short and too meager to do much toward the elimination of illiteracy.



## III

## THE MEANING OF THE WORDS "FOR AT LEAST FOUR (SIX) MONTHS"

The decision of the court in the Collie case left much to be desired. It will be recalled that Judge Merrimon held in the Barksdale case that the General Assembly had the power to make schools for four months and more a necessary county expense against which there could not operate any limitation of taxation. But Judge Brown said in the Collie case, with the approval of the entire court, that any attempt by a county to levy a special tax for any longer term than four months would be illegal, without the approval of the people, thereby declaring that the words "at least four months" of the Constitution mean exactly *four months* and no longer period. Here again it is extremely difficult to understand by what process of reasoning our highest court could have ever arrived at such a conclusion. Surely any one who can read and exercise ordinary mental powers must conclude that our constitution makers, when they used the term "at least four months," clearly meant to prescribe the minimum school term and at the same time to permit and to authorize a longer term than the prescribed minimum term of four months. And certainly it must follow that, if there is no constitutional limitation of taxation operating against the minimum term, there can rightly be no constitutional limitation of taxation which can properly operate against the longer term clearly authorized by the words "at least four months."

Section 3 of Article IX of the Constitution must surely mean, therefore, that the commissioners of any North Carolina county have the power to prescribe the maximum school term they will maintain in every district, unless the maximum term shall be prescribed by the General Assembly. To assert that the county commissioners only have power conferred on them to levy school taxes for the minimum term and have no power to levy taxes for any maximum school term they may fix or prescribe is simply absurd, even though our highest court has declared that intellectual absurdity to be the law of the land!

If our highest court could have completely reversed *Barksdale v. Commissioners* in the Collie case by making the whole of Judge Merrimon's reasoning the law in 1907, then each county would now be

free to levy taxes for any length of school term thought wise beyond the minimum prescribed term, without first submitting the tax levy to a vote of the people. And there are two historical facts which greatly strengthen the soundness of the view that the "at least six months" minimum term now prescribed can not possibly mean precisely a six months school term. Those two facts may be stated as follows:

1. In section 15 of Article IX of the Constitution the compulsory school term of 16 months is prescribed as the minimum term below which the General Assembly may not go in enacting a compulsory school law. It is unthinkable that our Supreme Court will ever say that the General Assembly is forbidden by that section of our Constitution from prescribing a maximum compulsory term. So, the logic and the clear meaning of our Constitution is that the county commissioners now have the power and the authority to lay school taxes to maintain any length of school term they may deem wise and proper, provided that term is not less than six months in any district in any one year. If some board of commissioners were to assert their authority to do just that thing and their action was to get into the courts, it would create an intensely interesting situation. Yet, until such a case is decided in favor of the schools, we are hardly justified in saying that we really yet have a system of public education which can function in the manner clearly intended by those who wrote the Constitution of 1868. But it will cost more money to have schools longer than six months. It costs little or nothing more to compel children to attend school. Hence, we have the probable cause for the present wide distinction which our judge-made law makes in the application of the two minimum clauses of our Constitution which vitally relate to the education of this and all future generations.<sup>20</sup>

2. The second historical fact which corroborates the view that the words "at least six months" of section 3 of Article IX of the Constitution mean what I have already indicated is that our school statutes from the year 1885 to the year 1909 contained the phrase "four months or more" in that section authorizing the county com-

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<sup>20</sup> As late as 1888 S. M. Finger, State Superintendent of Public Instruction, said: "There is in this State very strong opposition to taxation for public schools, and no good can come from trying to disguise the fact, however much their friends may regret it." See Biennial Report for 1887-88, Page XI. Much testimony of like kind might be cited. Our courts very naturally were often influenced by that public opinion.

missioners to levy a special county school tax to supplement the school funds for the maintenance of the minimum school term. There can be no reasonable doubt how the General Assembly during all those 25 years interpreted the words "at least four (six) months" of section 3 of Article IX of our fundamental law. It was only after Judge Brown's attempt in *Collie v. Commissioners* in 1907 to make the words "at least four (six) months" mean precisely four (six) months that that phrase disappeared entirely from our statutes.

#### IV

##### ATTEMPTS TO NULLIFY THE CONSTITUTION BLOCKED BY THE COURTS

But our courts have not always stood against full support of the schools or followed clamorous, popular public opinion. The General Assembly of 1881 gave permission for Goldsboro and Durham to establish graded schools independent of the county school systems of Wayne and Durham counties, and authorized them to divide the special school taxes, if voted, on the race basis, the special taxes on the property of white persons to be devoted to the establishment and maintenance of a graded school in each town for white children and the special taxes on the property of negroes to be devoted to the establishment and maintenance of a graded school in each town for negro children.<sup>21</sup> Two years later the General Assembly passed a statute permitting any school district to levy a special tax in support of its public schools, the proceeds to be divided on the race basis. That statute was chapter 148, Laws of 1883, and the caption declared it to be "An Act to provide for local assessments in aid of public schools." And the same General Assembly passed a number of special acts to enable the towns of Statesville, New Bern, Fayetteville, Monroe, Wilson, Edenton, Tarboro, Lenoir, Shoe Heel (Maxton), Lumberton, Rocky Mount, Washington, and Magnolia to establish graded schools and to legalize the race division of the special taxes. In addition, any incorporated town in Guilford County was authorized to establish graded schools and to divide the special taxes on the race basis,<sup>22</sup> while the towns of Goldsboro and Durham secured

<sup>21</sup> Laws of 1881, chapters 189 (Goldsboro) and 231 (Durham).

<sup>22</sup> Laws of 1883, chapter 36 (Statesville), chapter 117 (New Bern), chapter 157 (Fayetteville), chapter 188 (Monroe), chapter 192 (Wilson), chapter 220 (Edenton), chapter 232 (Guilford County), chapter 249 (Tarboro), chapter 255 (Lenoir), chapter 282 (Shoe-Heel), chapter 292 (Lumberton), chapter 330 (Rocky Mount), chapter 412 (Washington), chapter 415 (Magnolia), chapter 186 (Goldsboro), chapter 377 (Durham).

amendments to their 1881 graded school acts. The town of Smithfield by chapter 253, Laws of 1885, also secured permission to levy special taxes for the establishment of graded schools and to divide the taxes on the race basis. Thus, it appears that the General Assemblies of 1881, 1883, and 1885 authorized the voting of special school taxes and the division of the proceeds of the special taxation on the basis of the amount of special tax paid by each race. Such a frank and brazen attempt to nullify the last clause of section 2 of Article IX of the Constitution which forbids any discrimination in favor of the schools of either race did not find its way into courts until J. C. Puitt, Eli Pasour and others enjoined the collection of a "local assessment" voted by the white voters of the Dallas School District on December 6, 1883. That case was decided in the lower courts on April 24, 1884, against the contentions of Puitt and Pasour, who appealed to the Supreme Court. That controversy<sup>23</sup> was finally terminated late in the September, 1886, term of our highest court. That case and the case of *Riggsbee v. Town of Durham* decided that "all taxes, whether levied for State, County, town or township purposes shall be uniform"; that the Constitution "allows no discrimination in favor of any class, person or interest, but requires that all things possessing value and subject of ownership, shall be taxed equally and by uniform rule"; that, "therefore, a law which allows a tax on the polls of one color and on the property owned by persons of the same color, to be applied exclusively to the education of children of that color is unconstitutional"; and that the "local assessment act" also violated section 2 of Article IX of the Constitution because it discriminated between the races.

With the adjudication of those two leading cases in the fall of 1886, the whole popular movement to support public schools beyond the minimum term by special taxes to be divided on the race basis collapsed. Some of the towns which had established public graded schools on the race division of their school funds, notably Wilson, refused for a time to continue their graded schools in conformity

<sup>23</sup> *Puitt, Pasour and Others v. Commissioners of Gaston County*, 94 N. C., 709. See also *Riggsbee v. Town of Durham*, 94 N. C., 800. An interesting phase of those race division of the school taxes statutes is also revealed by the following from chapter 35, Laws of 1885: "That the school committee for District Number One, colored, in Cross Creek Township, Cumberland County, are hereby authorized, at their discretion, to transfer to the trustees of the Fayetteville graded school for whites in said township, any surplus school funds that may have accumulated, or may hereafter accumulate, to the credit of said district, after defraying all expenses incident to ten months' school in the same annually."



with the decision of our Supreme Court in the cases of *Puitt v. Commissioners* and of *Riggsbee v. Town of Durham*. However, no North Carolina town or school district assumed a permanently hostile attitude toward the salutary policy declared by the court in those two leading cases.

Again, the town of Greensboro in 1889 secured the passage of a statute<sup>24</sup> which provided that all the general school taxes which were then paid by the citizens of Greensboro should be paid over by the county treasurer to the treasurer of the town of Greensboro and used only in support of the graded schools of Greensboro. That statute was declared unconstitutional and void by Judge Merrimon at the February, 1890, term of the Supreme Court.<sup>25</sup> Judge Merrimon, speaking for the court, said in deciding that case: "We are clearly of opinion that section 78 of the statute (Private Laws, 1889, ch. 219), which recites that 'all taxes now paid, or which hereafter may be paid by the citizens of the city of Greensboro, for State and county school purposes, shall be paid by the county treasurer to the treasurer of the city of Greensboro, and by him applied to the graded schools of the city as provided by law,' is repugnant to the constitutional provisions cited above, and, therefore, void, and we so declare."

Judge Merrimon's opinion in the case was based on section 2 of Article IX of the Constitution which imposes the duty on the General Assembly to establish a uniform system of public schools. It must be apparent that if that special statute applicable to Greensboro had been upheld, there could never have been established in Guilford County or in any other county the semblance of a uniform system of public schools. And again it must be said to the honor of our highest court that its decision in that Greensboro case was entirely in the interest of sound policy and the best interests of the schools.

But the most persistent attempt made in all our school history to nullify the plain intent of our fundamental law as it relates to public school support centers around the attempts, notably of Henderson and Asheville, to divert the fines and penalties collected in their municipal courts from the county school fund to the use of those towns for general municipal purposes. Those frank attempts to nullify section 5 of Article IX of the Constitution, which expressly

<sup>24</sup> Private Laws 1889, chapter 219, amending the charter of Greensboro.

<sup>25</sup> *The City of Greensboro v. J. A. Hodgin, Treasurer*, 106 N. C., 182.

declares that "the clear proceeds of all penalties and forfeitures and of all fines, collected in the several counties for any breach of the penal or military laws of the State . . . shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties in this State," had for their basis a statute passed by the General Assembly of 1899 which declared that all "fines and penalties shall be paid into the treasuries of said towns for municipal purposes." That 1899 statute<sup>26</sup> went so far as to say "that no action shall be brought or maintained against any town for the recovery of any fines or penalties heretofore collected, and this act shall apply to existing actions."

In the case of the *Board of Education of Vance County v. Town of Henderson*<sup>27</sup> the Supreme Court on May 29, 1900, stated its conclusions through Judge Furches to be that "all the fines the defendant has collected upon prosecutions for violations of the *criminal laws* of the State, whether for violations of its ordinances made criminal by section 3820 of The Code, or by other criminal statutes, such fines belong to the common school fund of the county. It is thus appropriated by the Constitution, and it cannot be diverted or withheld from this fund without violating the Constitution." The court further said that the provisions of the 1899 statute were so palpably in conflict with section 5 of Article IX of the Constitution that "we feel unwilling to discuss its unconstitutionality."

Yet notwithstanding the plain and unmistakable meaning of the Constitution and such a clear deliverance by our highest court, the city of Asheville persisted in applying the fines collected in its municipal court to the ordinary expenses of the city. The county school authorities were finally forced to bring suit against Asheville to recover the fines which it had collected and had failed to turn over to the county school fund.<sup>28</sup> This action was adjudicated in the Supreme Court on May 12, 1901, Judge Montgomery, writing the opinion of the court and reaffirming the conclusion reached in the case of the *Board of Education v. Henderson*. But Asheville still persisted in its refusal to pay over the fines collected in its municipal court to the credit of the school fund of Buncombe County, hence another

<sup>26</sup> Chapter 128, Laws of 1899, amended section 3806 of The Code of 1883.

<sup>27</sup> See 126 N. C., 689.

<sup>28</sup> *School Directors (Board of Education) v. City of Asheville*, 128 N. C., 249.

suit was brought by the school authorities against the chief of police of Asheville<sup>29</sup> to collect those fines. The court instructed the Board of Education to bring its action to recover against the city of Asheville and not against its chief of police. However, Judge Montgomery in delivering the opinion of the court said that he could not let "this case pass off without an unqualified expression of our disapproval of the conduct of those who have caused this litigation by their refusal to turn these fines over to the proper fund. We are met with an open defiance of two most solemn decisions of this court on the matter which is the subject of this litigation. . . . Their course is a dangerous example and an incentive to others to defy the rulings of the Supreme Court of the State, and it manifests an indifference to public education which ought not to characterize the ruling authorities of one of the largest and most progressive cities of the State." However, Asheville did not finally cease her efforts to appropriate the fines imposed in its local courts until March 21, 1905, when our Supreme Court for the third time decided against her contentions. Judge H. G. Connor delivering the opinion of the court.<sup>30</sup>

Finally, it became necessary on October 17, 1905, for our highest court to invalidate, in the interest of the schools, chapter 125, Laws of 1903, which authorized the paying over to the informant in certain criminal cases one-half the fine imposed. Judge Clark in declaring that statute invalid said that every fine must all be paid into the school fund and not divided between that fund and the informant who furnished the evidence to secure the conviction.<sup>31</sup>

## V

### INCREASED SUPPORT OF SCHOOLS BY JUDICIAL CONSTRUCTION

I have already noted the fact that the school law of 1868-69 authorized the county commissioners to levy a tax for the purchase of school sites and for the erection of school buildings. But that tax was certainly not levied, except in possibly a few counties. The *Lane v. Stanly* case in 1871 and subsequent legislation doomed the schools to be housed in the most primitive kind of buildings for many years, usually erected out of the district apportionment of the

<sup>29</sup> *Bearden v. Fullam*, 129 N. C., 477, decided on December 23, 1901.

<sup>30</sup> See 137 N. C., 382.

<sup>31</sup> *State v. Maulsby*, 139 N. C., 584.

meager county public school fund, which often necessitated a district omitting the employment of a teacher for a year or more in order to pay for its school building. In 1903, the General Assembly revived the Literary Fund of the pre-civil war days by including in that fund the receipts from the sale of State lands and the proceeds from certain other sources. The Literary Fund was thereafter declared to be a perpetual building fund, to be loaned to the counties by the State Board of Education to aid in the construction of schoolhouses. Loans to the counties from that fund were to bear 4 per cent interest and one-tenth of the loan was to be repaid each year. The 1903 statute creating that fund also made those loans a first lien on all the county school funds to guarantee repayment. The county was in turn authorized to reloan the fund to the individual district, but no district could thus obtain more than one-half of the cost of its school building. Under the school statutes of 1903 to 1917, it was also made unlawful for the county boards of education to pay more than half the cost of the erection of any school building out of the general county public school fund. Those statutes contained such a prohibition evidently in order to conserve the meager school funds for the payment of the salaries of teachers. But after the partial reversal of the decision in the Barksdale case in 1907, it became apparent that sooner or later the cost of school buildings would finally have to be included in the expenses necessary for conducting the minimum school term. By increasing the minimum school term from four to six months in 1918 and by the passage<sup>32</sup> of a more effective compulsory school law in 1919, it became necessary to begin to think seriously about liberalizing the provisions of the statutes relating to funds for the erection of school buildings. The statutes<sup>33</sup> of 1919 required the levy of a 32 cents State tax for the payment of one-half the salaries of all teachers and the additional levy of a county tax of at least 35 cents in support of the six months minimum school term. Section 7 of chapter 102, Laws of 1919, set forth that "all poll tax, fines, forfeitures, penalties, and all public school revenues, other than that derived from the State Public School Fund (the 32 cents tax) and the special county tax (the 35 cents tax) shall be placed to the credit of the incidental expense fund and the

<sup>32</sup> Chapter 100, Laws of 1919.

<sup>33</sup> Chapters 102 and 114, Laws of 1919.



building fund, as provided in the budget, and if this amount is insufficient for these funds the county board of education may provide in the county school budget for an additional amount not to exceed twenty-five per cent of the teachers' salary fund, and the county tax may be increased sufficiently beyond the maximum levy of 35 cents to provide this amount if it shall appear necessary to the county board of education and the county commissioners."

Pursuant to those provisions of section 7 of chapter 102, Laws of 1919, the board of education of Alamance asked the commissioners of that county to levy a tax of five cents for buildings for the year 1919 beyond the 35 cents county tax authorized for half the maintenance of the six months school term. The commissioners refused to levy that extra building tax claimed by the board of education to be necessary to maintain the schools of Alamance County for the six months minimum term. The lower court held that the extra tax was necessary and issued a mandamus to compel the commissioners to levy the tax. From the decision of the lower court, the commissioners appealed to the Supreme Court. That court through Justice Hoke upheld the lower court and affirmed its decision, again stating the doctrine in the Collie case of 1907 that there was no constitutional limitation of taxation which could be invoked against the maintenance of the six months minimum school term. This Alamance County case<sup>34</sup> clearly indicated that school buildings thereafter must be included as a part of the necessary expense of maintaining the six months minimum school term to be provided by the commissioners of every county by taxation without a vote of the people. It is true, however, that the General Assembly assumed to limit the counties by statute as to the amount of taxation the county commissioners were authorized to levy for building and incidental purposes in any one year to 25 per cent of the salary fund provided for teachers. And therein the General Assembly evidently did not follow the clear implications of the decision of the Supreme Court in the Collie case. If school buildings are a part of the necessary expenses of the minimum school term and if there is no constitutional limitation of taxation operating against the maintenance of the minimum school term, then it would be interesting to know by what authority the General Assembly of 1919 assumed to tell the commissioners of any county

<sup>34</sup> *Board of Education of Alamance County v. Board of Commissioners*, 178 N. C., 305.

that their taxation resources for buildings with which to maintain the minimum school term were exhausted when they made that fund as much as 25 per cent of the teachers' salary fund.

From 1868 to 1907 our General Assembly enacted no statute specifically providing for high school instruction in the public schools or for encouraging such instruction,<sup>35</sup> although the school statutes as early as 1905 did imply that such instruction could be given in all public schools in which more than one teacher was employed. However, prior to 1907 high school subjects were taught in many of the public schools, especially in the town, city and village schools established by special legislation. The 1907 General Assembly passed a statute entitled "An act to stimulate high school instruction in the public schools." That statute made an annual appropriation of \$50,000 to aid not more than four high schools in any county, no high school to receive less than \$250 nor more than \$500 State aid a year; and high schools in towns of more than 1200 people could receive no State aid whatever.<sup>36</sup>

For ten years no case arose to test in the courts the validity of using public school funds for high school instruction. In 1917, however, the board of education of Granville County submitted its budget for the maintenance of the four months minimum school term in that county to the commissioners, asking for a special county tax levy of 10 cents on each \$100 valuation above the 66 $\frac{2}{3}$  cents limitation. That budget contained an item of \$1,250 for the maintenance of four high schools for four months—one at Creedmore, one at Stem, one at Knap of Reeds, and one at Stovall. The commissioners claimed that those four high schools were no part of the public school system and eliminated that item and refused to levy more than five cents of the special 10 cents tax demanded by the board of education,

<sup>35</sup> Section 40 of the 1868-69 school law prescribed the public school course of study as follows: "Instruction shall be given in the schools of the several grades as follows, viz: reading, writing, orthography, arithmetic, geography, English grammar, and the (State) Board of Education may require such other studies as may be deemed necessary: *Provided*, that no such studies shall be pursued to the neglect or exclusion of the studies herein specified, and that thorough instruction shall first be given in all the enumerated branches." And section 10 of Article IX of the 1868 constitution conferred on the State Board of Education "full power to legislate and make all needful rules and regulations in relation to free public schools." There has never been a time since 1868 when high school instruction was prohibited in the public schools. However, such instruction before 1917 was only permitted, not required.

<sup>36</sup> Other provisions of the statute making that first State appropriation for high schools throw an interesting light on North Carolina school conditions 25 years ago. That statute fixed the minimum salary of a high school teacher at \$40 a month and the minimum term of the high school at five months, and also declared that no school should receive State aid as a high school, unless there were at least two elementary teachers and one high school teacher teaching in it.

whereupon the board of education brought a mandamus proceeding to compel the full special tax levy asked for. The lower court held with the commissioners that high schools were not a part of the public school system and refused to grant the mandamus. The board of education appealed to the Supreme Court for a final hearing of the matter.<sup>37</sup> On November 7, 1917, that court through Justice Hoke declared that "we find nothing in this article (IX) of our Constitution, which in terms restricts the public schools of the State to the elementary grades, or which establishes any fixed and universal standard as to form, equipment, or curriculum. On the contrary, in view of the prominent placing of the subject in our organic law, the large powers of regulation and control conferred on our State board, extending at times even to legislation on the subject, the inclusive nature of the terms employed, to all children of the State between the ages of 6 and 21 years, together with the steadfast adherence to this patriotic purpose, throughout our entire history, it is manifest that these constitutional provisions were intended to establish a system of public education adequate to the needs of a great and progressive people, affording school facilities of recognized and ever-increasing merit to all the children of the State, and to the full extent that our means could afford and intelligent direction accomplish. Under such interpretation, the legislation of 1907 and subsequent amendatory acts, by which these four high schools and others of like kind are established and made a part of our public school system, is fully justified, placed as they are under the regulation and control of the public school authorities and extending to all portions of the State which may come under its provisions."

In addition to the opinion of Judge Hoke which finally made the high schools a vital part of our public school system, Judges Clark and Brown of the Supreme Court wrote concurring opinions. Judge Clark said that "if it were possible to hold the high schools of this State invalid because four counties have not yet complied with the requirement in regard to them, it would strike a paralyzing blow at the prosperity of the State, which depends upon nothing the State can do so much as upon our public school system." And while the report of his litigation says that Judge Brown also wrote a concurring opinion, it was very nearly a *dissent*. The substance of what he said

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<sup>37</sup> *Board of Education v. Board of Commissioners of Granville County*, 174 N. C., 469.

was as follows: "While I concur in the opinion of the court that the so-called high schools mentioned in the opinion are a part of the common school system, and as such come within the purview of the Collie case, I by no means concede that the Legislature or the board of education can establish, in their discretion, any kind of expensive educational institution in a county, and, by calling it a part of the general educational system of the State, cause it to be supported by general taxation as the recognized common schools are maintained, nor do I so understand the court to so hold."

Evidently Judge Brown really wished to say that he would hold the special county tax for those Granville high schools valid so long as those schools did not cost too much, or cost more than he thought they ought to cost! Yet in less than ten years, thanks to Judge Hoke's decision in that Granville County case, high schools have developed in North Carolina more rapidly than any one even dared dream in 1917 they would ever develop. All the counties have rapidly established many more of those "expensive educational institutions" than some reactionary judges and tax haters would likely approve, still no one has seen proper to take Judge Brown's suggestion and move to reverse or to modify Judge Hoke's decision, or to institute any proceedings looking to the curtailment of high school funds in the interest of so-called economy. And it is safe to guess that no such movement will ever be made. The high schools have recently become as much a public necessity as the elementary schools.

The Alamance County case which in 1919 made limited taxation for school buildings a part of the necessary expenses for the maintenance of the minimum six months school term soon proved wholly inadequate to provide the necessary school buildings for the rapidly expanding school system, even with the aid of the Literary Fund. How inadequate was set forth in more or less detail in the preamble of a statute enacted by the 1921 General Assembly, authorizing an issue of \$5,000,000 worth of State bonds, the proceeds to be used as a special building fund to be loaned to the counties by the State to aid them in the erection of school buildings. The preamble of that statute declared that "the enrollment of children in the public schools of North Carolina has so greatly increased within the past two years that the entire school plant in a large majority of the counties must be greatly enlarged or rebuilt altogether, and in all counties school



buildings are inadequate to provide accommodations for the children now attending; in many cases large numbers of children being crowded into small rooms too unsanitary for right living, and too small to afford opportunity for the teachers to give proper instruction to those anxious for an education"; and that "the larger type of community school for the rural districts should be constructed of a more permanent nature, and planned for larger service in order that the school may serve the community effectively, the construction of a more permanent type of school building depending in most cases absolutely upon the State's opening a way for the counties to secure funds at a reasonable rate of interest for erecting school buildings sufficient to accommodate the children of school age, and to provide for the normal annual increase"; and that "the smaller towns and consolidated rural districts must pay a high rate of interest on bonds they issue, and often experience much difficulty in disposing of them at par, and often are without adequate machinery for properly handling sinking funds, interest, and retiring the bonds."<sup>38</sup>

That special school building fund statute specifically provided that every loan made from the five million dollar fund must first have been endorsed by the county commissioners on the application of the county board of education; that any loan to a county was to be repaid to the State in twenty annual installments with interest, all provided for by the board of education in its annual school budget; that the commissioners must agree to levy an annual building fund tax to care for the proper liquidation of any such loan made to the county; and that before any loan could be made to any county the board of education and the board of county commissioners must all make affidavit that the loan was necessary and required to aid in providing a six months school. In a word, that statute frankly authorized the board of education and the board of commissioners of any county to contract a twenty year debt for school buildings and to pledge its payment with interest by means of the levy of a county tax, all without a vote of the people. So far had all the people of the State come in their thinking about taxes and debts for schools since the days of the Barksdale case. But there was some doubt whether our highest court would uphold the validity of those special building fund State bonds. They were purchased by the Fidelity

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<sup>38</sup> Chapter 147, Laws 1921.

Bank of Durham with the understanding that the treasurer of the State would bring a friendly suit to compel the bank to take up and pay for them. An action was accordingly brought to find out whether, in the opinion of our courts, it would be legal for the counties to contract the debts authorized by the statute, which debts were to be made wholly contrary to Article VII, section 7, of the Constitution, which declares that no municipality may contract any debt or pledge its faith or credit, except for the necessary expenses of the same, without first submitting the making of the debt to the people for their approval.

And again Justice Hoke wrote the opinion of our highest court, upholding that 1921 statute and the validity of the bonds proposed thereby to be issued by the State to aid counties to erect school buildings.<sup>39</sup> In that opinion it was reiterated that the public schools are not confined to the elementary grades, but that high schools are a part of the expense of the public school system; that there is no constitutional limitation of taxation which can operate against the maintenance of the minimum six months school term in any county. Finally, the court said that "we see no reason against the validity of this proposed bond issue, the purpose being to procure funds to construct the necessary buildings for the proper maintenance of the six months school term in the various counties of the State."

At the 1924 spring term our Supreme Court, Justice Hoke writing the opinion, validated \$45,000 worth of bonds of Rockingham County, the proceeds of which were used to erect a consolidated school building at Stoneville and another at Wentworth in that county, on the ground that the debt was necessary to the proper maintenance by the county of a six months school term in those school districts.<sup>40</sup> Thus it has come about that our highest court has firmly engrafted the high school into our public school system and made its support a necessary part of the expense of that system for the minimum term of at least six months in every year. Thus it has also come about that our highest court has declared that a county may contract a debt to the State for money with which to erect school buildings and to pledge the faith and credit of the county for the payment of that debt without a favorable vote of the

<sup>39</sup> *B. R. Lacy, Treasurer v. The Fidelity Bank of Durham*, 183, N. C., 373.

<sup>40</sup> *J. Walter Lovelace et al. v. T. R. Pratt et al., Commissioners of Rockingham County*, 187 N. C., 686.

people, contrary to section 7 of Article VII of the Constitution.<sup>41</sup> Thus finally it has come about in our public school progress that the commissioners of a county may now legally issue perfectly good and valid bonds and sell them in the market place to whomsoever will buy them for the purpose of procuring funds with which to erect in Rockingham County two "expensive educational institutions" which Judge Brown only a few short years ago thought the General Assembly and the counties were hardly authorized to establish, all without a vote of the people and contrary to the provisions of section 7 of Article VII of the Constitution, that ancient refuge of all school tax haters and of the friends of illiteracy and reaction.

## VI

### WHY SCHOOLS ARE NOT A NECESSARY MUNICIPAL EXPENSE

Such is the story of the long and difficult road the counties of North Carolina have been forced to travel by our courts during the past fifty-seven years, in order to secure the full and unmolested right to maintain in every district the minimum school term prescribed by the Constitution. The county commissioners are no longer confronted by judge-made constitutional limitations as to the levying of taxes or by judge-made prohibitions as to the creation of debts for the erection of the school buildings necessary for the proper maintenance of that minimum school term in every district which the Constitution so plainly declares they shall be indictable for not maintaining. However, all the ancient, judge-made limitations, inhibitions, and prohibitions which I have enumerated above are now apparently fully operative in the thinking and in the published decisions of the judges of our highest court against any county, township, town, city, or school district which may desire without a special election to maintain its own schools even one day beyond the sacred minimum term of six months prescribed by Justice Brown in the Collic case. And then, that six months minimum school term must even now be maintained by the State and the several counties

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<sup>41</sup> However, Judge Hoke thought it necessary in his discussion of the case of *Lacy v. The Fidelity Bank* to warn school officials that they must not spend too much money for school buildings. He said: "While we thus uphold the proposed bond issue as being in the reasonable exercise of the powers conferred by the Constitution, it must be understood that the exercise of these powers is in all cases arbitrary and without limit in amount. . . . And if the school authorities, departing from any and all sense of proportion, should enter on a system of extravagant expenditure, clearly amounting to manifest abuse of the powers conferred, their action may well become the subject of judicial scrutiny and control."

with due avoidance of what Judge Brown in the Granville County case called "expensive institutions" and Judge Hoke called "extravagance" in the Lacy case, if the State and county school officials would escape judicial inquiry into the propriety of their expenditures.

But why are schools and school buildings not a necessary municipal expense, except for a county, and then only for six months and not a day longer? The answer to that question is, in brief, twofold: First, because our Supreme Court has arbitrarily said, speaking entirely in the interest of property values and not in the interest of human values, that the words "at least six months" in section 3 of Article IX of our Constitution authorize for a county precisely a six months and not a longer school term,<sup>42</sup> except by a vote of the people; and, second, because our highest court has declared all school support beyond the minimum term to be an unnecessary expense, assuming to determine what kind or class of expenditures come under the definition of the term "necessary expenses" for municipalities in section 7 of Article VII of the Constitution, even denying to the General Assembly any share in that prerogative.<sup>43</sup> The only possible difference between what has actually resulted from our Supreme Court decisions on both those vital matters and what would have happened if the court had taken the opposite view of both only involves taking less or more taxes for school support. Certainly, it must be said with truth that school progress stands in great need of a reversal of the court on both points. I have already shown the extreme intellectual absurdity of the position of the court on the true meaning of the words "at least six months," hence I shall not here prolong that phase of this discussion. But I am confident every good and intelligent citizen of North Carolina is intensely and vitally interested in the question why he must take part in a bond election or a solemn referendum at the ballot box every time his community grows enough in vision and in size to make more schooling and another school building necessary; is interested in knowing why no North Carolina community can settle once for all the question whether it will have efficient schools or not.

From my earliest recollection of our schools, my teachers did not fail to tell me about that sacred provision in the Bill of Rights of

<sup>42</sup> *Collie v. Commissioners*, 145 N. C., 173.

<sup>43</sup> Connor and Cheshire's Constitution, page 320.



our Constitution which declares that "the people have a right to the privilege of education and it is the duty of the State to guard and maintain that right." My teachers had my young lips repeat many times from memory that other bit of statesmanship in our Constitution about "religion, morality and knowledge being necessary to good government and the happiness of mankind"; and that, therefore, "schools and the means of education shall be forever encouraged" in North Carolina. The reader of these lines can only, therefore, faintly imagine my disillusionment, as well as my utter chagrin, when I read for the first time that long line of decisions of our highest court which all declare with almost inhuman brutality to the effect that "a public school building is not a necessary municipal expense, within the meaning of Article VII, section 7, of the Constitution, and this contract not having been authorized by a majority vote at the polls, is invalid. This has been repeatedly held, *Lane v. Stanly*, 65 N. C., 153 (in 1871)" . . . <sup>44</sup> There is something about the very language and the tone of nearly all those decisions handed down during the 45 years, from *Lane v. Stanly* to the 1916 decision just quoted, which seem to me to give the lie to nearly all our fine words about education and its place in our civic life. Indeed, "religion, morality and knowledge are necessary to good government and the happiness of mankind," but "schools and the means of education" need not be encouraged by North Carolina townships, cities, towns, or other school districts as *necessary expenses* of their most vital governmental function! Even for a county or for the whole State education above six months in twelve is even in these modern times an unnecessary expense which requires a vote of the whole people before we may have more than six months of any brand of that article which we so unctiously declare on all occasions to be so necessary to good government and the happiness of mankind! It is certainly no valid answer to say that the State and the counties are alone responsible for schools or that schools are "otherwise taken care of," when it is also proposed in the interest of good sense and good citizenship to make the support of schools and public education necessary expenses for cities, towns, townships, school districts and for every other governmental unit of the county and the State, established primarily by the General Assembly for the convenience and

<sup>44</sup> *Stephens Co. v. City of Charlotte*, 172 N. C., 564.

the better government of all the people. That kind of an answer is surely the veriest quibbling.

From 1871 to as late as November, 1916, our highest court has time and again had before it with the approval of the General Assembly cases involving the question of whether the support of public schools should not be considered a necessary expense of the township, or the town, or the city, or the school district, and, as a consequence to be supported without never ending referendums to the approving vote of people who had already solemnly declared in their fundamental law that "the people have the right to the privilege of education and that it is the duty of the State to guard and maintain that right," as well as having declared in the same document that "religion, morality and knowledge being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged" by everybody. All those solemn declarations go for naught in the circles of our highest court; they only mean that the people of any North Carolina community must endlessly declare their truth anew every time they feel the need of more education than the meager pittance prescribed by the minimum school term, or feel the need of a new school building beyond the narrow limits arbitrarily prescribed by our highest court. And it surely must seem illogical and foolish to ordinary mortals to declare that the support of schools is a State and county function, founded in the Constitution and wholly under the control of the General Assembly, and then in the next breath deny that the support of schools is in any respect a necessary expense of the creatures that General Assembly has created, under the Constitution, to promote and perpetuate the very existence of that governmental entity called the State. But let us take a brief detailed view of what our courts have had to say as to why the support of schools can not be imputed by the General Assembly to municipalities and assumed by them without an approving vote of the people.

Of course, the classic case cited by all our highest court judges since 1871 is *Lane v. Stanly*, by which schools were declared not to be a necessary expense of the townships, because, if townships were permitted to levy school taxes, the uniform system of schools and education prescribed by the Constitution would be interfered with. A careful reading of that case, however, will certainly disclose that

the moving reason why the support of schools was then declared not to be a necessary expense of smaller governmental units than the counties was likely the fear of higher taxes. No one at this late day can argue very effectively that the support of education by means of public schools, if properly the duty of the State and the counties of the State, is not also properly the duty of the lesser units composing the counties, namely, the municipalities created by the General Assembly and endowed with governmental functions for the convenience of the people who compose the counties and the State. I am confident that the judges of our courts who now never omit an occasion to declare their loyalty to education and the public schools, while denying that education and the support of schools is a necessary expense of a municipal corporation, will some good day come to see the elementary common sense and logic of holding with the ancient Euclid and all the mathematicians since his day that all the parts of a whole thing must necessarily possess the qualities of and be like that whole thing. The 100 counties make up the State we call North Carolina. The townships make up the thing we call Alamance or Wilson County. If there be other smaller entities within the townships of a county, those also go to make up that thing we call a county. The Constitution imposes on the counties the duty of school support, under the direction of the General Assembly. Can anybody really be serious and sensible and assert that it is only the aggregate thing called the county which may be charged by the General Assembly under the Constitution with the support of public schools, and deny at the same time that it is equally the duty and the function of the integral parts of that county to support schools even though authorized by the General Assembly? Or, can any one seriously argue in this day of enlightenment that the support of schools, under our Constitution, was ever meant to be the exclusive function of the aggregate entity we call the county or the State, but not the function of the smaller units which make up that entity called the county and that still larger entity we call the State? The very first school law enacted after the adoption of our 1868 Constitution, the first school law which essayed to establish public schools, attempted to impose by act of the General Assembly the support of schools on the school district (the townships), on the counties, and on the State, showing conclusively, I think, that those who made our

Constitution regarded the support of schools as a necessary function of the townships or school districts, as well as a necessary function and expense of every governmental unit of the State and of the counties. But the *Lane v. Stanly* case assumed to say the opposite, and our courts have continued to this good day to follow that reactionary and unenlightened interpretation, promulgated in a day of confusion in our political life and thinking about all social and economic questions.

The next leading case which our present day courts quote to prove that the support of schools is not a necessary municipal expense originated at Goldsboro.<sup>45</sup> The trustees of the Goldsboro graded school in 1891 issued \$15,000 worth of school building bonds under an act of the General Assembly which authorized the commissioners of Wayne County to levy an annual tax on the property of Goldsboro township to pay the interest on those bonds and to retire them at maturity without submitting the approval of the bonds to a vote of the people. One of the purchasers of \$300 worth of the bonds refused to take up and pay for his share on the ground that the bonds were not a proper public charge against the township of Goldsboro. The lower court upheld the validity of the bonds, but on appeal the Supreme Court reversed the lower court and held the bonds invalid, saying that "expenses incurred in establishing and supporting graded schools are not a part of the necessary expense (of a township), because such schools do not pertain to or constitute part of the organization, or come within the ordinary purposes of townships any more than colleges or like institutions, or particular enterprises or undertakings that are intended specially to promote the convenience or advantage of the people of a particular locality. Such things are exceptional in townships and not necessary for their ordinary purposes. The very purpose of the constitutional inhibition (Article VII, section 7) is to prevent the creation of debts for such exceptional purposes without the sanction of a majority of the qualified voters of the township, city or town. Important as are public schools and graded schools as well, it is not the purpose of townships as such to establish and support them. Under the Constitution, and appropriate legislation in pursuance thereof, schools are otherwise provided for. Hence,

<sup>45</sup> Chapter 189, Laws 1881; chapter 382, Laws 1887; chapter 206, Laws 1891; and 109 N. C., 228, *Trustees of Goldsboro Graded School v. D. J. Broadhurst*.



when it is deemed expedient and desirable that a graded school shall be established in a particular township, a debt for the purpose can be created only with a sanction of a majority of the qualified voters thereof. *Lane v. Stanly*, 65 N. C., 153."

The ghost of *Lane v. Stanly* was still walking twenty years after its first appearance in our courts. So, on the ground that "graded Schools," which were nothing more than public schools for nine months in the year and not "colleges" or "extravagant" or "expensive institutions," do not come "within the ordinary purposes of townships," being "exceptional in townships and not necessary for their ordinary purposes," therefore, Goldsboro Township was prohibited from supporting schools, even though it had the approval of the General Assembly to do so, and even though that township was an integral part of Wayne County, except the question of such support should first have been approved by the people at a special election held for that purpose. Thus it was also decided and declared to be the law that even the General Assembly, which had created Goldsboro Township, could not legally impose the duty of school support on one of its growing creatures, under a State Constitution which solemnly asserted that schools were not only necessary to the good government of North Carolina and of Wayne County and of Goldsboro town, as well as necessary to the happiness of all mankind, a declaration broad enough certainly to include the people of the Wayne County capital!

Again, in 1897, the town of Washington was authorized<sup>46</sup> by the General Assembly to levy and collect a special tax for school purposes over and above the limitation of taxation then fixed by the Constitution. The town government levied and proceeded to collect for the year 1898 a 20 cents special tax on each \$100 valuation of property in support of its schools, which tax was enjoined and restrained by the lower court. The town contended that the tax was a necessary expense of its government, and, therefore, valid. The Supreme Court<sup>47</sup> said that it had recently held that waterworks were not a necessary expense of a town and that it had also a few days previous to deciding this Rodman case held that an electric light plant was not a necessary municipal expense; and that the court "cannot hold

<sup>46</sup> Chapter 343, Laws of 1897.

<sup>47</sup> *W. B. Rodman v. Town of Washington*, 122 N. C., 39.

that a tax, over and above that provided for and required to be levied and collected by the Constitution, is a necessary corporation expense in the administration of the defendant corporation" in support of its public schools. So, again it was declared that it was unconstitutional for the General Assembly to authorize a municipality it had created to levy a special school tax, and that act was, therefore, null and void. However, the court took occasion to try to soften its scant treatment of the wisdom of the General Assembly by declaring that "we are in favor of public education," evidently assuming there might be some reasonable doubt about that fact, if such an assertion were not incorporated in its prohibition of the tax to enable a growing town like Washington to have more than a four months school term for the year 1898, even though the General Assembly had mistakenly conferred its blessing on that generous impulse of one of its governmental creatures. The little children must still get along on a four months school in twelve rather than tax Rodman and others a mere pittance, unless the people of the town of Washington should get the permission of the General Assembly by special statute to submit the special school tax to referendum. And all because the support of schools was not, in the opinion of a tax fearing Supreme Court, a necessary town expense.

Then, the 1908 General Assembly authorized and empowered the trustees of the Goldsboro Graded School District to issue \$30,000 worth of bonds for a school building.<sup>48</sup> The ordinary special school taxes of the district were deemed sufficient to pay the interest on the bonds and to redeem them at maturity. The question of the bond issue was not submitted to the people of the district for a vote of approval. Our highest court invalidated those bonds, saying that "the contracting of the debt, as well as the levying of the tax is prohibited unless authorized by the votes of the qualified electors."<sup>49</sup> The contention that the bonds were to be used for a school building and were, therefore, a necessary municipal expense was summarily disposed of by the *ipse dixit* of the court to the effect that "so far as we know the expense of the public school system of this or any other state has never been held a necessary municipal expense." That opinion also made the naive assertion that the decision in the Collie case "regards the public school system as a State institution,

<sup>48</sup> Chapter 31, Private Laws 1908, Special Session.

<sup>49</sup> *Hollowell v. Borden*, 148 N. C., 255.

founded in the Constitution and governed by the General Assembly." But Goldsboro had the fiat of the General Assembly to make that debt in the interest of its schools, yet notwithstanding the contention of the court that the General Assembly had the control of the public schools, that debt which the General Assembly authorized that school district to make was held invalid, as null and void and unconstitutional, apparently because school support by municipalities was unheard of in the literary and legal researches of the court!

That amazing statement of our highest judicial tribunal makes it necessary for me to relate that bit of history which tells how the General Court (Assembly) of Massachusetts as early as 1647 passed a statute imposing on every town (township) within its borders containing as many as fifty householders the support of a school to teach all its children to read and to write. If the town (township) contained 100 families or householders then the town was required to establish a grammar school "whose master should be able to instruct youth so far as they may be fitted for the university."<sup>50</sup> And that 1647 statute did not leave it to the discretion of the town by referendum to establish a public school. A fine as burdensome as the school was imposed for neglect of the children. So, 280 years ago Massachusetts began her public school system by declaring that all its support was a necessary municipal expense! Need I heap Pelion on Ossa for the enlightenment of our highest court by relating the school history of other states?

In 1907, the city of Greensboro attempted to get a decision of our highest court to the effect that the support of schools was a necessary municipal expense. A bond issue to be used for "necessary municipal expenses" was approved by a vote of the people. After the bonds had been popularly approved, it was proposed to sell \$155,000 worth of securities and devote \$30,000 of the proceeds to "equipping, altering and furnishing a school building or buildings for the city." The court invalidated the \$30,000 to be spent for schools on the ground that the proceeds of those bonds was not to be used for a necessary municipal expense, but for a special purpose.<sup>51</sup> In short, if Greensboro wished to borrow \$30,000 for building schoolhouses, it must submit the making of that particular debt to the people for their

<sup>50</sup> See Vol. IV, page 108, *Life and Works of Horace Mann*.

<sup>51</sup> *Wharton v. Greensboro*, 146 N. C., 356.

approval, because the support of schools is not a necessary municipal expense! And while the General Assembly did not specifically authorize Greensboro to make that debt, as it had done in the instance of Goldsboro, the court in upholding one of the contentions of *Wharton v. Greensboro* was necessarily forced to take the position that "municipal corporations are but instrumentalities of the State for the administration of local government, and their powers may be enlarged, abridged, or withdrawn entirely at the pleasure of the Legislature." Surely, if all that is true, it will sound a bit incongruous to a modern minded citizen to be informed in the next breath that the support of schools can never be even partially imposed by the General Assembly on a township, a town, a city, or other municipal corporation; that such a creature of the General Assembly, however, can only impose school support on itself by means of a local referendum. It is surely an anomaly if the creator and source of every governmental power the municipal corporation exercises cannot legally and constitutionally impose one of its own highest governmental functions with which it is endowed by the Constitution, viz., the control of education, on one of its own creatures over which its power may be exercised to the point of extinction! To that intellectually absurd and untenable position has our highest court been driven by its undue regard for the traditions of the scribes and the elders and by its tragic fear of taxes. It is certainly true that more North Carolina political and social sins have been committed in the name of low taxes and an undying devotion to the supposed opinions of the fathers than from all other causes combined. The decisions of our courts through the years have necessarily been colored by the prevalent characteristics of the thinking of the great majority of the people. Mr. Dooley once remarked that he had observed that the decisions of the Supreme Court often followed the election returns.<sup>52</sup>

And finally, while the ghost of *Lane v. Stanly* still walks, its mien is not so frightful as formerly. High schools and elementary schools, with enough equipment and teachers to conduct them for at least six months, must now all be provided by the county commissioners of

<sup>52</sup> Three other leading cases are often cited to uphold the contention that the support of schools is not a necessary municipal expense: *Ellis v. Trustees of Oxford Graded School*, 156 N. C., 19 (1911); *Gastonia v. Bank*, 165 N. C., 507 (1914); and *Sprague v. Commissioners of Wake County*, 165 N. C., 605 (1914). But those cases do not contain any essential point not raised in the cases I have discussed in this paper.



every county. There is no court limitation of taxes or debt and no statutory prohibitions whatever in the way of that minimum school term. So, it would seem entirely possible hereafter for the towns and independent districts to demand that the county commissioners build schoolhouses for them as well as for the country districts in which to maintain six months schools. Then, if the people could secure a decision of our highest court favorable to the doctrine that each county in the absence of any prescription by the General Assembly has now the undoubted right under our Constitution to prescribe the maximum school term it will maintain, a new era in North Carolina public school progress would be at its dawning. And, surely the day cannot much longer be delayed when the support of schools will be regarded by all laymen and by our highest court as a necessary municipal expense, as valid an expense as a market house, or a light plant, or a slaughter pen.

## AN ANTIGUA PLANTATION, 1769-1818

BY ULRICH B. PHILLIPS

Detailed records of West India sugar plantations are so rare and significant that a newly available one invites prompt analysis. The present study is a digest of thirty thin manuscript account books bequeathed to the Massachusetts Historical Society in 1924 by David S. Greenough.<sup>1</sup>

Shute Shrimpton Yeamans, Esq., a man of affairs in London and a stockholder and official of the South Sea Company, died in 1769, possessed of a handsomely furnished home on Richmond Green, sundry securities, many tracts of land in Massachusetts and New Hampshire, a five-hundreth share (specified as being "1/5th of 1/90th of 90/100ths") of the province of West New Jersey, and a sugar plantation in Antigua with its complement of slaves. The first of the volumes at hand records the administration of Yeamans's property by the executors of his will, from 1769 to 1775. Certain of its entries note that William Hyslop of London was among the beneficiaries of the testament;<sup>2</sup> that Thomas Greenough of Boston was Yeamans's agent for the North American properties; and that Yeamans had some business relations with one Charles Chauncey.<sup>3</sup> The remaining volumes are yearly financial reports of the Antigua plantation in ledger form, from 1779 to 1817, with an extra report for the first three months of 1818,<sup>4</sup> but with the volumes for 1790 to 1795 missing.

By 1779 the plantation had become the property of William Hyslop, Charles Chauncey and Thomas Greenough as partners in

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<sup>1</sup>I am indebted to Dr. Worthington C. Ford for calling my attention to these materials and facilitating my use of them. The present paper is in a sense complementary to "A Jamaica Slave Plantation," printed in the *American Historical Review*, XIX, 543-558, in which I digested the record of the Worthy Park plantation for the years 1792-1796. Mary Gaunt, *Where the Twain Meet* (London, 1922), has more briefly analyzed the record book of the same plantation for 1787-1792 which she examined while on a visit to the estate in 1920.

<sup>2</sup>The chief beneficiary was Shute Yeamans, then a minor, who received an allowance of £600 sterling a year by order of the Lord Chancellor, and for whose tutoring and incidental expenses John Redman was one year paid £120.

<sup>3</sup>The fact that this Charles Chauncey died before 1797 demonstrates that he was not the Connecticut jurist of that name. He may possibly have been Charles Chauncy, the Boston clergyman.

<sup>4</sup>This special accounting on March 31, 1818, suggests that a change was then made in the proprietorship; and absence of further records in the Greenough file suggests that Greenough's interest was then extinguished.

equal interest.<sup>5</sup> This condition continued until Chauncey died and his share fell to sundry heirs in one-sixth parts. In 1797 Samuel Athill of Antigua, who had previously held a contract for medical services on the plantation, acquired the interests of all the Chauncey heirs. Thereafter Athill held a one-third interest in the property, while two-thirds were held by Hyslop and Greenough jointly. Meanwhile, in 1788, David Greenough had replaced Thomas Greenough among the proprietors.

The acreage of the plantation was continually reported at two hundred and nine, of which thirty acres were taxed by Saint Paul's parish and the rest by Saint Peter's. This suggests that it lay near the center of the island; but, even so, it could not have been more than ten or twelve miles from the sea in any direction. The slaves as returned for taxation in 1779 numbered 121. This number declined to 109 in 1784 when eleven "new negroes," which means fresh importations from Africa, were bought in two parcels at £36 and £37 sterling per head. Thereafter the corps increased to 122 in 1787, where it remained stationary until 1801. It then declined to 104 in 1806, with mentions of vaccination suggesting an epidemic of smallpox. Through the rest of the period the number was virtually unchanged. No sales of slaves are recorded. The draft animals comprised both mules and oxen, the numbers of which are never stated. The cylinders for pressing the cane were turned by a windmill, with canvas-covered sails, the repairs and replacements of which were quite expensive; and the boiling house had two sets of four copper cauldrons each. The rum-still also was on a considerable scale.<sup>6</sup> The tools bought for coopers, carpenters and masons were in full assortment; but for tillage the purchase of hoes by dozens compares with allusion to but a single plough and a single ploughman in the whole record. The ratio of less than two acres of land per slave indicates little use of the plough; and an occa-

<sup>5</sup> In some of the later records the plantation is designated as belonging to the heirs of Shute Shrimpton Yeamans, deceased. Shute Yeamans (see note 2) may have died between 1775 and 1779; or possibly a suit in chancery, which is mentioned in the executors' accounts, may have dispossessed young Yeamans in favor of Hyslop, Chauncey and Greenough. It is noteworthy that Greenough, who presumably still dwelt in Boston, was not disturbed as an owner of property elsewhere in the British Empire during the war for American independence.

<sup>6</sup> Illustrative items of replacement are: in 1779 a still-head weighing 789 pounds, costing £39. 9s., and a pewter still-neck, 186 pounds, costing £11. 12s. 6d. sterling; in 1801 a windmill spindle of hardwood, at £165 currency; and in 1814 a cogwheel for the mill, at £200 currency. In 1799 and 1800 the boiling-house and its apparatus were renovated at a cost of several thousand pounds.

sional item of expenditure for the "holing" of fields<sup>7</sup> by jobbing gangs at £7 to £12 currency per acre confirms this indication.

The crops and the net earnings, nevertheless, compare favorably with the common West India experience in the period, for the general practice was to use the plough very little. The sugar and rum

THE YEAMANS PLANTATION IN ANTIGUA  
CROPS, EARNINGS AND EXPENDITURES

(Money items are given in local currency, depreciated to about 4 per cent of the value of sterling. Shillings and pence are omitted.)

Years	Production		Income from		Expenditures	Net earnings	Net losses
	Sugar in cwt.	Rum, in gallons	Sugar (partly at appraised values)	Rum (actual proceeds of sales)			
1779	503	3102			£ 1123		
1780	303	1669			577		
1781	666	2704			989		
1782	1402	5296			1591		
1783	341	1894			1228		
1784	1784	5225			2284		
1785	1348	5158			2046		
1786	823	3468			1684		
1787	2162	6375			1643		
1788	1380	5263			1772		
1789	1247	4760			1646		
1790 to 1795,	records missing.						
1796	769	2814	£ 3075	£ 1210	2289	£ 1997	
1797	702	2565	3048	968	1822	2199	
1798	267	1069	1120	432	1721		£ 165
1799	1779	2625	7260	718	4430	3764	
1800	1065	2926	3980	679	3742	936	
1801	1380*	2592	3905	842	3550	1507	
1802	1650	4427	4634	1109	2490	3258	
1803	1239	3853	3338	896	2229	2214	
1804	1313	5232	3547	1325	2253	2671	
1805	745	2176	2194	549	2500	293	
1806	942	3773	2524	954	3082	431	
1807	1050	4254	2123	965	2631	886	
1808	797	4296	1634	877	2376	235	
1809	1426	5612	3774	1506	2686	2628	
1810	2087	6356	5055	1665	2916	4241	
1811	1555	2828	2373	813	2326	1089	
1812	962	3660	2424	1010	2558	1145	
1813	671	2330	2428	682	2090	1129	
1814	406	918	1865	249	3559		1222
1815	1479	4693	5229	1329	3443	3476	
1816	1514	5070	4189	1267	4180	1995	
1817	956	2615	2952	609	2428	1304	

\* The record for 1801 does not give the sugar crop in pounds, as usual, but states it only as 84 hogsheads and 12 tierces. The standard West India hogshead contained sixteen hundredweight of muscovado sugar, but those of this plantation averaged only 15 hundredweight conjecturing a content of 1000 pounds for each tierce, the estimate of 1380 hundredweight results.

<sup>7</sup> I.e., furrowing preparatory to planting with cane.



outputs are recorded throughout the years of the ledger-statements;<sup>8</sup> but the gross, and therefore the net, incomes are available only from 1796.<sup>9</sup> The money items here tabulated are in the local currency, which had about four-sevenths the value of sterling.

The plantation had factors in London and elsewhere to handle its overseas purchases and sales on commission; a local agent (usually styled "attorney" in West Indian parlance), residing in one of the towns of Antigua, to represent the absentee proprietors and hire and fire the other employed personnel; a manager in charge of operations; and an overseer, sometimes styled in these records under-overseer (the etymology invites attention), subordinate to the manager. The agent, who was Samuel Eliot from Yeamans's time until 1799 and Samuel Athill thereafter, received in compensation a commission of twenty shilling sterling per hogshead of sugar produced. The manager drew a salary of £90 currency in 1799, which advanced by stages to £150 in 1817. There were five changes of personnel in this office during the thirty-three years of the record. The overseer, paid £60 currency in 1779 and £90 in 1817, was changed twenty-eight times in the same period. Several of the overseers were re-engaged after intervals; and two of them were promoted to the managership, though neither of these was long retained in that office. The manager was entitled to forty pounds of fresh beef every Christmas or a commutation of £4 currency, and the overseer to half as much. There were also on the payroll a bookkeeper at £20, later £30 a year, and a town agent to attend to wharfage, cooperage, etc., at £20, later £35 a year. For a time these two functions were combined in the one person of John Smith.

Among fixed charges, there were taxes paid to the government of Antigua and to the parishes of Saint Peter and Saint Paul, and an imperial tax of 4½ per cent on sugar exported.<sup>10</sup> A special tax was

<sup>8</sup> For the years in which the Yeamans executors were in charge the sugar sales were: in 1770, 82 hogsheads at a total price of £1826. 5s. 8d. sterling; in 1771, 83 hhd.; in 1772, 64 hhd.; in 1773, 65 hhd.; in 1774, 105 hhd., yielding £1650.

<sup>9</sup> The available statements of income are in some part results of appraising the sugar as it left Antigua rather than of actual sales at London, Liverpool, Dublin, Greenock, Boston, etc., whither it was shipped for sale. The accounts as kept on the plantation were merely tentative as to final results. Definitive accounts were doubtless made by the London factors, who distributed the net returns among the proprietors. The London factors were the firm styled in 1779 Robert, Robert and Ebenezer Maitland. Its name underwent many changes: e.g. Ebenezer and John Maitland and John Ede; Maitlands, Ede and Bond; and finally Ede and Bond.

<sup>10</sup> This export tax was not included in the account of expenses. It was paid in sugar at the island port and omitted from all further reckoning. Somewhat likewise, marine insurance on sugar was deducted from the account of sugar sales, and not included in the account of plantation expense. In 1805, the year of Trafalgar, the cost of marine insurance ran as high as 15 per cent but commonly it was very much lower.

paid to the island government in most years at a somewhat heavy rate, for the deficiency of white servants, i.e., the failure to maintain a ratio of one white man on the plantation for every thirty slaves.<sup>11</sup> Wharf rental at the Port of Parham was also a fixed charge of £16 a year; and medical services on contract at six shillings, increased to nine shillings after 1804, per head of slaves and £5 per head of white employees each year. Medicines were included in these flat rates; but vaccinations, the setting of broken bones, and obstetrical services were charged extra. There were expenditures nearly every year also for coppersmith, blacksmith, millwright and other artisan work; for certain food supplies; for cloth, at from one to three shillings per yard for oznaburges or other sorts of "negro cloth"; for hogsheads and puncheons, or staves, heading and hoops with which to make them; and for freight. From time to time there were outlays for lumber and mules from North America,<sup>12</sup> for oxen from unspecified sources, and for nails, rivets, apparatus, and miscellaneous goods, including hogsheads of beans, from England. The total of expenditures fluctuated widely from year to year, with a strong upward tendency as time passed.

Revenues came chiefly from sugar, most of which was marketed in England. The by-product, molasses, was sometimes sold as such in small quantities; but as a rule it was converted into rum and sold locally, with five shillings a gallon the most common price. Income from other sources, for example from the sale of yams, old oxen and scrap metal, was generally small. The sugar output varied from a maximum of 216,216 pounds in 1787 to a minimum but one-eighth as large in 1798. The fluctuations in the volume of rum did not correspond closely with those of sugar, presumably because in poor crop years part of the cane did not yield juice good enough for boiling. Net returns distributed accruing to the proprietors

<sup>11</sup> There was usually also a tax paid for "deficiency of cisterns." This may be explained by an item written by Lord Adam Gordon while on a visit to the island in 1764: "As much of Antigua as I saw is pleasant. The want of Springs and Rivers is in some degree compensated by the pains they have taken in making for each house one or more large Cisterns (or tancks) which are Terrassed over and catch all the rain Water that falls on the Houses, by Conduits and Pipes well adapted for that end. But the want of Water to cool the stills used in the making of Rum is much felt by the poor Negroes, who carry it on their heads in large vessels and sometimes from a considerable distance."

<sup>12</sup> Staves usually cost about £25 per thousand for red oak, and £30 for white oak; and pine lumber from £20 to £30 per thousand feet. Hoops were of either ash, hickory or iron. Hardwood was bought locally for mill cylinders, cogs and spokes at high prices. Mules cost £40 to £45 each, and oxen, curiously, about as much. All prices, where not specified as sterling, were in the depreciated currency. It is remarkable that the "new negroes" bought in 1784 cost less than twice as much per head as did mules or oxen at that time. Seasoned slaves, of course, were considered much more valuable than those freshly imported, and slaves born and reared in America were still more valuable.

were at a maximum of £4241, 5s, 6d in 1810, while in two years there were net losses instead. The average net returns in the twenty-two years of the record available in these premises were about £1638, local currency, or perhaps £936 sterling. This may have been as much as eight or ten per cent upon the current value of the investment.

Various items of expenditure cast sidelights upon the régime. For some years five slave men were hired, some of them partly skilled. The usual rate was £16 per head; but in 1801 it was at 14 per cent on their valuation of £730 as a lot. Slave artisans were hired at sixty-six to seventy-two shillings per month, and white carpenters and a free negro at similar rates. In addition to the wages paid their masters, the slave artisans were themselves paid "allowances," which may have been commutation of board, or payment for overtime work, or possibly a reward for good service. The slaves belonging to the plantation were sometimes paid for Sunday work, at four or six shillings for artisans and two shillings for common laborers. In 1815 a slave owned by Samuel Athill was hired as a sugar maker, and was given £2, 5s for improving the quality of the sugar. Once in a while Cudjoe was paid by the job for veterinary services. Whether he was a slave or a free negro is not indicated.

That slaves ran away, even in that small island, is shown by payments nearly every year for recaptures, usually at a standard rate of 8s, 3d. In one instance the fee was paid to a slave for the recapture of another. In several cases the fugitive was jailed by the public authorities, which entailed considerable expense. Thus Andrew cost £3, 13s, 9d in January, 1784, and £2, 1s, 6d again in the following June. In the winter of 1812-1813 Hamand was sick in the public jail and afterward on the plantation, with expenses including four bottles of Madeira (£1, 16s.) perscribed by a physician. Sundry other expenditures for "sick house," or hospital supplies on the plantation, year after year, specify wine, beef, mutton, lamb, chickens, cassava, rice, flour, ship's bread and candles. Purchases for the general food supply included corn and corn meal at widely fluctuating prices, beans, peas, yams, and occasional flour or "navy

bread" when other breadstuffs were unavailable; and barreled shad, herrings, alewives and mackerel. In each December there were bought several, usually four, barrels of salt pork or beef and a similar quantity of flour "for the negroes' Xmas"; and in one year there was an additional outlay of £13 for Christmas allowance to the slaves. On the whole the plantation was conducted with severe frugality. How severe the management was in other respects does not appear in the record.



## DEFEATISM IN THE CONFEDERACY

BY FRANK L. OWSLEY

There have been few wars in history in which a country has presented such a solid front or offered such a large percentage of its population to the god of war as the South did in 1861. Six hundred thousand out of a population of eight million whites offered their services to the Confederacy the first year of the war, and it was only the lack of arms that prevented the South's putting an army of that size in the field.<sup>1</sup> The French revolution with all its enthusiasm for war against the enemies of liberty, equality, and fraternity, with a population almost three times this, seldom had armies so large.

By 1863 this spontaneity and enthusiasm had disappeared from great sections of the population of the Confederacy and was rapidly dying among the soldiers at the front. Defeatism—though not known, perhaps, by the term—had sapped and mined the moral foundations of the South until the whole war structure was crumbling, and by 1865 a complete collapse was impending, even had the Confederate army remained undefeated.

Yet over much of this period Confederate arms were eminently successful in winning battles. Lee was, up to the end of 1864, still able to destroy one-third of Grant's army with an army only one-third as large in the short space of a summer. Why, then, this psychology of defeat in the midst of so much victory?

The answer is that the will to war had been broken by causes other than military defeat—and perhaps one might add that the hearts of many were also broken. One of the most fundamental causes for this condition was that a great part of the Southern people had nothing more than an academic interest in slavery and secession. True, the average backwoodsman and up-countryman hoped some day to own slaves, but, after all, the fact remained that he did not and, so, had nothing to lose by emancipation. The great mass of blacks were owned by a relatively small group who lived in the tidewater and river-bottom regions of the South, and in all probability, because

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NOTE. The writer wishes to express his appreciation of the excellent study, "Peace Moves in the Confederacy" made by Miss Georgia Lee Tatum as an M. A. thesis at Vanderbilt, which he has found invaluable in preparing this article.

<sup>1</sup> Owsley: *State Rights in the Confederacy*, pp. 5-24.

of poor soil and poor farming methods in the hills, the slaves would have continued to be owned largely by the planters in the "black belt." On account of the lack of slaves in the back counties, and a different social and economic structure, sectionalism developed all the way from Maryland to Texas, and manifested itself in an unjust distribution of representation and bitter feelings. The small slave group kept the power in their own hands and often abused this power.<sup>2</sup>

Hope of an ultimate settlement, lack of economic interest in slavery and sectionalism had prompted the up-country elements in the various Southern States to oppose secession. In Alabama, William R. Smith, Robert Jamison, D. P. Lewis, Jeremiah Clemens, and Nicholas Davis led the Northern section in opposing secession, 31 delegates refusing to sign the ordinance of secession.<sup>3</sup> Stevens and H. V. Johnson, old whig leaders, championed the opposition in Georgia and about one-third of the convention opposed secession.<sup>4</sup> In Texas there was a strong up-country opposition led by Sam Houston.<sup>5</sup> In Mississippi about one-third of the delegates led by A. J. Brown, W. M. Yerger, Judge Sharkey, and Poindexter opposed secession.<sup>6</sup> Virginia,<sup>7</sup> North Carolina,<sup>8</sup> Arkansas,<sup>9</sup> and Tennessee<sup>10</sup> opposed and defeated secession until Lincoln began his policy of coercion, whereupon they seceded,<sup>11</sup> leaving the leaders and a small group of irreconcilables disgruntled and bitter.

With the exception, however, of this small knot of unionists and of East Tennessee and West Virginia the up-country people accepted the verdict and displayed much enthusiasm. They had not wanted to secede, and above all, even when they had contemplated ultimate secession of their states as a redress of admitted wrongs, they had desired to exhaust all resources before the final step was taken. On

<sup>2</sup> For a discussion of this sectionalism see Ambler: *Sectionalism in Virginia*, Schaper: *Sectionalism in South Carolina*, and Theodore Jack: *Sectionalism, etc., in Alabama*.

<sup>3</sup> Fleming: *Civil War and Reconstruction in Alabama* (1905), pp. 53, 59; Harper's Annual Cyclopedic, 1861, pp. 9, 10. (Cited henceforth as Ann. Cyc.)

<sup>4</sup> Tribune Almanac, 1862, p. 42; Ann. Cyc., 1861, pp. 338-9.

<sup>5</sup> *Ibid.*, pp. 6, 7, 8, 688-9; Tribune Almanac, 1862, p. 42; Ramsdall: *Reconstruction in Texas* (1910), pp. 14-17.

<sup>6</sup> Ann. Cyc., 1861, pp. 473-4.

<sup>7</sup> *Ibid.*, pp. 729-35; Pryor, Mrs. Roger A.: *Reminiscences of Peace and War* (1904), p. 126. (Cited henceforth as Pryor.)

<sup>8</sup> Holden: *Memoirs of W. H. Holden* (1911), p. 15; Ann. Cyc., 1861, pp. 337, 537-8.

<sup>9</sup> *Ibid.*, p. 22.

<sup>10</sup> *Ibid.*, pp. 677-8; *War of the Rebellion* (Official Record of the Union and Confederate armies, cited henceforth as O. R.) Ser. I, vol. LXVI, pt. I, pp. 674, 678, 691, 808.

<sup>11</sup> For Tenn. see McPherson: *Political History, etc.*, p. 5; Ann. Cyc., 1861, pp. 680-1; Ark. *Ibid.*, pp. 22, 231, Tribune Almanac, 1862, p. 43; N. C., O. R. Ser. I, vol. I, p. 486, Hamilton: *Reconstruction in North Carolina* 1914, pp. 26, 27.

the other hand, they disliked "Yankees" and feared negro equality in case of emancipation, and were stung to great anger when Lincoln pitched his armies into the South, invading their homes and threatening the dreaded liberation of the blacks.

This resentment at invasion and dread of negro equality could not take the place of a similar state of mind on the part of the black belt, plus an economic interest rather than an academic interest in negro slavery—not in the face of what turned out to be a long and grim struggle. The up-country people could easily fight a 90-day war as some of their leaders had promised this one would be, but not a war that lasted over several years. Anger and enthusiasm are too transient to serve as a basis of war. So the opposition began to show its head under the up-country irreconcilables.

The suffering of the soldiers and their families was a great factor in producing defeatist psychology. Frequently, the entire able-bodied male population of an up-country district was in the army, leaving women, children, and old men to plow the fields and gather the crops. Frequently, there were no men at all left in a family and few in a neighborhood. The writer knows of a case in Coosa County, Alabama, where out of a family of nine sons and two daughters, all married, the nine sons and the two sons-in-law went into the army, leaving their eleven families under the care of one aged grandfather. This was by no means an unusual example. The result was extreme destitution when taken in connection with the fact that a soldier's pay in this period was hardly worth 50 cents a month in gold, and the prices of goods were higher than even depreciated currency should have made them because of heartless speculation.<sup>12</sup>

The raids of the enemy and the occupation of the country also added tremendously to the destitution of the people. Frequently this destitution was made more appalling by the terror-stricken women and children fleeing back into the Confederate territory where they were without homes, food, or any means of support save what the charity of others almost as poor might offer.<sup>13</sup>

<sup>12</sup> For soldier's pay, depreciated currency and high prices see Schwab: *Confederate States of America*, pp. 181; De Leon: *Four Years in Rebel Capitals* (1890), p. 136; Ann. Cyc. 1863, pp. 212, 447-8, 829; Jones: *A Rebel War Clerk's Diary* (1866) (cited henceforth as Jones) vol. I, p. 261; O. R., Ser., I vol. XV, pp. 928-9, vol. LII, pt. II, pp. 256-7; *Ibid.*, Ser. IV, vol. I, p. 739, vol. II p. 774.

<sup>13</sup> For effects of invasion and enemy raids see Stephenson: *Day of the Confederacy* (1919), pp. 110, 118; Pryor: p. 247; O. R., Ser. I, vol. X, pt. II, p. 204; *Ibid.*, vol. XXIII, pt. I, pp. 245-249; *Ibid.*, vol. LII, pt. II, p. 312.

Impressment of supplies by the Confederate armies, especially when made by able-bodied officers who should have been in the fighting line, added to the bitterness and want. While impressment was necessary, its manner was often harsh and at best it was always distressing to those whose goods were taken. In addition to the impressment of supplies the Confederacy finally resorted to the tax in kind by which one-tenth of what a man produced must be surrendered to the government agents.<sup>14</sup>

Suffering was not confined to the people at home. That of the soldier was proverbial and when he received letters from home, depicting such terrible conditions and at the same time telling of able-bodied speculators who should have been in the army, it was often more than he could bear. The morning sun often shone upon an empty tent, the former occupant of which was far on his way back home, presenting his cocked musket as a furlough, to any who questioned his going.<sup>15</sup>

We have noted that invasion produced great physical suffering which contributed much to defeat, but the greatest suffering was not material but mental. The fear that women had at home and the dread that soldiers at the front had for their wives, sweethearts, and mothers, and other loved ones was all-compelling at times. Rape, murder, and other nameless violations hovered always as a dark specter in the minds of the soldiers from the invaded districts. This fear, of course, affected both rich and poor alike, except, of course, the rich could move their women out if they felt the need. An example of this mental effect is seen in the case of Arkansas soldiers in the spring of 1862 when all the troops were withdrawn from the State and sent to Shiloh. A wail of despair from the invaded country, voiced by the Governor, was heard by the soldiers upon the east bank of the Mississippi. Arkansas was deserted! Abandoned to shame and destruction by her own friends! If we are abandoned, he cried, "let Southern Missourians, Arkansans, and Texans know it and prepare for the future. Arkansas abandoned . . . is not Arkansas as she entered the Confederacy. Her children fleeing from the wrath to come will build them a new ark and launch it

<sup>14</sup> On impressment and tax in kind see Schwab: pp. 224-5; Stephenson, p. 99; Phillips: *Life of Robert Toombs*, pp. 246-8; Owsley: *State Rights in the Confederacy*, Chapter V *passim*; O. R. Ser. IV, vol. II, pp. 559-61; *Ibid.*, vol. III, pp. 45, 46, 47, *Ibid.*, Ser. I, vol. XXVI, pt. II, p. 550.

<sup>15</sup> O. R., Ser. IV, vol. II, pp. 856-7; *Ibid.*, vol. III, pp. 1042-4.



upon new waters."<sup>16</sup> Thousands of soldiers deserted back to the Arkansas shores.<sup>17</sup>

Frequently, people in the up-country were indifferent to the war. They asked only to be let alone, and if allowed would have remained neutral or under any government which did not molest them.<sup>18</sup> Any kind of molestation by either North or South would be resented and would throw these people over into the opposing camp. This was exactly what happened when the Confederacy adopted the policy of conscription. It was a potent factor in inclining them toward peace.<sup>19</sup>

Perhaps the most fundamental and far-reaching cause of defeatism was the ever growing idea of the favoritism of the Confederate government. It was felt that all the favors were showered upon the planters and people of the black belt, while the burden of the war was being shifted upon the backs of the poor small farmer and backwoodsman. The old leaders of the poor districts and white counties began to speak openly and to proclaim that this was a rich man's war and a poor man's fight and the old sectional jealousy at once became alive and burning in the breasts of those who were suffering so terribly, with no prospect of material returns to pay for their sacrifices. The conscript law dragged the poor man from his cabin leaving his family to the chances of war, while the rich man of the black belt was permitted to go free because he was able to hire a substitute.<sup>20</sup> The fact that able-bodied men were thus permitted to stay at home and become speculators, often in the necessities of life, charging exorbitant prices for things the soldier's meager pay could not provide for his family, was maddening. The poor soldier and his family felt that not only was the war a rich man's war and a poor man's fight, but that everything else also belonged to the rich man, even to the pittance he and his own family obtained. He felt the truth of the scriptures that to him who hath it shall be given and from him who hath not it shall be taken.<sup>21</sup> Jones, in his diary, complains con-

<sup>16</sup> Ann. Cyc., 1862, p. 11; Tatum, Georgia Lee (unpublished thesis, Vanderbilt University, p. 38.

<sup>17</sup> O. R., Ser. I, vol. XIII, pp. 828-32; *Ibid.*, Ser. IV, vol. III, pp. 1042-1044.

<sup>18</sup> O. R. Ser. I, vol. X, pt. II, p. 431;

<sup>19</sup> For opposition to conscription among these people see Moore, A. B.: *Conscription and Conflict in the Confederacy*, *passim*.

<sup>20</sup> O. R., Ser. IV, vol. I, pp. 1095-7; Jones Diary, vol. I, pp. 218-9, vol. II, p. 30 and *passim*; Schwab, pp. 196; Ann. Cyc., 1862, p. 246; DeLeon: *Four Years in Rebel Capitals*, p. 178.

<sup>21</sup> For the effect of the escape from service of able-bodied men of means and of speculating by these men see: O. R., Ser. IV, vol. II, pp. 85, 86, 214, 856-7, 901-2; Schwab, p. 181; Pryor, p. 293; Jones, vol. I, p. 250.

stantly that the people of wealth who had most at stake were more and more allowing the burden of the war to be carried by the very people who were least able to carry it and who would benefit least by success.

The substitute law was repealed in 1864,<sup>22</sup> but a loophole still remained in the form of the twenty negro or later fifteen negro law, through which a planter might escape service if he desired, for at first, any man who owned twenty slaves and later fifteen might be exempted to oversee his negroes.<sup>23</sup> The planter class probably furnished throughout the whole war a larger percentage than any other class in any country has ever furnished for military service. They were able to do this because of the fact that the negro slaves relieved them of the task of making a living for their families. However, there were numerous able-bodied men out of the service for whom there was no excuse, men who took advantage of the substitute and twenty-negro law to stay out. Those men were very obvious and obnoxious because of their tendencies to grind the face of the poor, and the principle involved in the twenty-negro clause and the substitute law was thoroughly vicious and bound to rouse the suspicion of the poor. Hence the belief that the Confederacy was practicing rank favoritism was perfectly logical and inevitable, especially since the up-country people had been accustomed from time immemorial to being dealt with unfairly by the black belt people who dominated the state governments.

Other examples of apparent injustice and favoritism were the numerous group of able-bodied officers who were able to escape service by being detailed as conscript commandants, provosts, or supply officers. Vance thoroughly advertised this type of officer whom he described as of petty mind "dressed up in a little brief authority."<sup>24</sup>

The flames of angry discontent were fanned by the numerous controversies between the state and Confederate governments over states' rights, and by the propaganda of the peace societies that began to show great strength by 1863.

These disloyal peace societies were the expression in an organized way of the desire for peace resulting from the causes discussed above.

<sup>22</sup> O. R., Ser. IV. vol. I, p. 971, vol. III, pp. 12, 14.

<sup>23</sup> *Ibid.*, vol. I, pp. 971, 1087, 1104; vol. II, pp. 122, 128, 162.

<sup>24</sup> For example of discontent caused by this type of men escaping service, see O. R., Ser. IV, vol. II, pp. 856-7.

However, as suggested above, they were also a potent cause in producing further converts to the peace idea.

Symptoms of the peace organizations began to be apparent in North Alabama as early as April, 1862, in connection with the passage of the conscript law. Meetings and conventions expressing a desire to remain neutral were held in Winston, Fayette, and Marion counties.<sup>25</sup> Leaders of the old Unionist element began to come out in the open. Clemens and Judge Lane had several Confederate sympathizers jailed by the Federal officers, and Clemens asked to be allowed to go to Washington to find out how peace might be obtained.<sup>26</sup> The draft boards in North Alabama began to show distinct signs of disloyalty as the greater part of the conscripts were discharged on the slightest excuse.<sup>27</sup> Trading with the enemy became common at this time.<sup>28</sup>

By 1863 signs of peace and disloyal sentiments could be seen in the hill and backwoods districts of central and southern Alabama.<sup>29</sup> In Randolph County the people stormed the jail and freed all the draft dodgers and deserters, and about the same time the Third Alabama Reserves deserted en masse. This trend of affairs was brought to a climax in the fall of 1863 when many of these up-country and backwoods counties elected a solid phalanx of peace men and open Union sympathizers to county and state offices, and made almost a clean sweep of Confederate officers by electing six avowed Unionists to Congress.<sup>30</sup> Similar conditions in the other states caused an investigation to be made.

This investigation of the Confederate authorities revealed a startling situation throughout the entire South. In Alabama, Arkansas, Georgia, Texas, and Mississippi there existed a disloyal chain of organizations known as the "Peace Society,"<sup>31</sup> and in Virginia, Tennessee, North Carolina, and perhaps South Carolina disloyal societies known as "Heroes of America."<sup>32</sup> The "Peace Societies," in different districts, had different signs and passwords. The "Heroes of America" seem to have had one set of passwords, signs and grips.

<sup>25</sup> O. R., Ser. I, vol. X, pt. II, p. 431.

<sup>26</sup> O. R., Ser. I, vol. X, pt. II, pp. 161-3, 174-5; Fleming: *Civil War and Reconstruction*, p. 125.

<sup>27</sup> O. R., Ser. IV, vol. II, p. 258.

<sup>28</sup> *Ibid.*, pp. 141-2.

<sup>29</sup> O. R., Ser. IV, vol. II, p. 726; *Ibid.*, Ser. I, vol. LII, pt. II, p. 403.

<sup>30</sup> *South Atlantic Quarterly*, vol. II, p. 119 (Fleming); *Ann. Cyc.*, 1863, p.6.

<sup>31</sup> Tatum, *Peace Moves in the Confederacy*, pp. 35-81.

<sup>32</sup> *Ibid.*, pp. 82-127; O. R., Ser. I, vol. LII, pt. II, pp. 209, 10-32; *Ibid.*, Ser. IV, vol. II, pp. 783-5, vol. III, pp. 803, 806, 809, 810-12, 816.

The following is an illustration of the method of recognition used in central Alabama by the members of the "Peace Society": First the grip would be given by turning the side of the thumb instead of the ball to the back of the hand of the person who was being tested. The one thus approached, if a member, would ask:

"What is that?"

"A grip," would be the reply.

"A grip of what?"

"A constitutional peace grip."

"Has it a name?"

"It has."

"Will you give it to me?"

"I did not so receive it neither can I impart it."

"How will you impart it?"

"I will letter it to you."

"Begin you."

"No, you begin."

Then peace was spelled out by alternate letters. There were several signs of recognition. A stick was taken, held in both hands and then thrown to the right. The countersign was to put the right hand to a lock of hair or right side of the head as if brushing something to the right. In battle a soldier made his identity known by leaning his gun to the right. The sign of distress was made by holding the right arm out horizontally and bringing it down to the side by three distinct movements. In case this would be too obvious, the exclamation "Oh! Washington!" was used.<sup>33</sup>

On entering the society a member was sworn to absolute secrecy on the penalty of having his "head cut open . . . brains taken out . . . and strewn over the ground and . . . body cast to the beasts of the field."<sup>34</sup> The society neither individually nor collectively was permitted to keep any kind of record and it was very difficult to verify members.<sup>35</sup>

The following were the passwords and signs of the "Heroes of America":

"These are gloomy times."

"Yes, but we are looking for better."

<sup>33</sup> O. R., Ser. IV, vol. III, p. 397.

<sup>34</sup> *Ibid.*, p. 395.

<sup>35</sup> *Ibid.*, 393.



"What are you looking for?"

"A red and white cord."

"Why a cord?"

"Because it is safe for us and our families."

When there was no suspicion, the grip was followed by the word "Three." If the other answered "days" it established his identity as a member.<sup>36</sup> As in the case of the "Peace Society" no records were kept and the penalty for divulging secrets was death.<sup>37</sup>

The purposes of the "Peace Society" and the "Heroes of America" were the same: to bring about peace by submission to the Federal government. However, they had many intermediate objectives, all leading ultimately to the one main purpose. The leaders tried to make use of all shades of disaffection to accomplish their object. A man who was tired of war but loyal was told that the purpose was an "honorable peace" through honorable means. Once a member, such a person would gradually be led through the varying gradations of disaffection until he became disloyal. If a man were dissatisfied with Davis, and most men were, he was told that the organization was formed to put in better men than he and his supporters. If a man were disloyal to the Confederacy, he was immediately put to work upon the main objectives, encouraging desertions, destroying loyalty at home by propaganda and giving any information he possessed with reference to Confederate affairs, to the Federal authorities.<sup>38</sup> The "Peace Society" of Alabama claimed that information furnished by it to the Federal armies resulted in the surrender of Vicksburg and the defeats around Chattanooga.<sup>39</sup> Whether this be true we do not know, but there is full proof that the leaders of the peace societies kept in touch with the Federal authorities, and were busy creating trouble and finding out secrets of the Confederate armies. In North Carolina Horace Dean, W. W. Holden, and Worth were in touch with the enemy;<sup>40</sup> in Alabama, General Roddy, and Major McGoughy were in communication at the last with the Federal authorities, while Jeremiah Clemens, Judge Lane, and L. E. Parsons, prominent leaders, were from the first in constant touch; in Tennessee, Brownlow, Maynard, and Nelson acted as the liaison

<sup>36</sup> O. R., Ser. IV, vol. III, pp. 809, 810, 811.

<sup>37</sup> *Ibid.*, p. 810.

<sup>38</sup> O. R., Ser. IV, vol. III, pp. 393, 803, 807, 813, 814.

<sup>39</sup> *Ibid.*, p. 398.

<sup>40</sup> O. R., Ser. I, vol. LI, pt. II, p. 739; *Ibid.*, Ser. IV, vol. II, p. 784; *Ibid.*, vol. III, p. 807; Hamilton: *Reconstruction in North Carolina*, pp. 37, 67.

officers.<sup>41</sup> The same conditions existed in the other states where these societies were organized.

It is difficult to arrive at any exact knowledge of the numbers involved in these peace societies. For the last two years of the war the number of deserters ranged from 90,000 to 136,000,<sup>42</sup> and since early in the war the number had been large.<sup>43</sup> But not every deserter was a member of the peace societies, though he may be put down as belonging to the defeatist element, which, after all, is the main point. The reports of those sent to investigate Alabama indicated that two-thirds of the people in the hill counties of Randolph, Coosa, Talladega, Calhoun, and the contiguous counties were disaffected and the southern counties of Pike, Conecuh, Henry, Dale, and Barber, and all the extreme northern counties such as Winston, Walker, Fayette, Marion, and Blount were overwhelmingly disloyal.<sup>44</sup> The local troops were reported filled with the peace organization. Clanton's brigade, Hilliard's Legion, Bolling Hall's battery, Gracie's brigade were all honeycombed.<sup>45</sup> East Tennessee was under the complete control of the "Heroes of America."<sup>46</sup> Across the line in North Carolina in the counties of Yadkin, Cherokee, Catawba, Ashe, and Randolph likely had a majority of disloyal people. These were the counties where the deserters flocked, and organized themselves into regiments and drilled.<sup>47</sup> Southwest Virginia, according to a report of Brigadier General Echols and others sent to investigate, was completely in the control of the "Heroes of America." Three-fourths of the people of Floyd, Giles, Botetourt, Roanoke, Patrick, Henry, Bedford, Franklin, Montgomery, Washington, Pulaski, Scott, and Pittsylvania were members. The sheriffs, justices, and courts were in their hands. They organized a brigade of deserters and a state government with governor, lieutenant governor and judges.<sup>48</sup> The strength of the societies must have been just about as great in the other states.<sup>49</sup>

<sup>41</sup> O. R., Ser. I, vol. XLVI, pt. I, pp. 656, 678; *Ibid.*, vol. LII, pt. II, p. 116.

<sup>42</sup> Moore, A. B.: *Conscription and Conflict in the Confederacy*, p. 202.

<sup>43</sup> Ann. Cyc., 1862, p. 16; O. R., Ser. I, vol. XXV, pt. II, pp. 285, 352, 393, 401, 455, 456; *Ibid.*, vol. XLVIII, pt. II, pp. 1309, 1313; *Ibid.*, Ser. IV, vol. II, pp. 251, 680, 681; Schwab: pp. 198-9.

<sup>44</sup> O. R., Ser. I, vol. XV, pp. 939-40, 949; *Ibid.*, vol. LII, pt. II, p. 403; *Ibid.*, Ser. IV, vol. II, p. 726; *Ibid.*, vol. III, pp. 394, 398.

<sup>45</sup> *Ibid.*, Ser. I, vol. XV, pp. 939-40, 949; *Ibid.*, vol. XXVI, pt. II, p. 556.

<sup>46</sup> DeLeon: *Four Years in Rebel Capitals*, pp. 182-3; O. R., Ser. I, vol. LXVI, pt. I, pp. 256-7, 674, 678; Chestnut: *Diary from Dixie*, p. 188.

<sup>47</sup> O. R., Ser. IV, vol. III, pp. 783, 784, 785.

<sup>48</sup> O. R., Ser. IV, vol. III, pp. 712-22, 802-16.

<sup>49</sup> O. R., Ser. I, vol. XXVI, pt. II, pp. 241, 285; *Ibid.*, Ser. IV, vol. II, pp. 360, 770, 772, 774; *Ibid.*, vol. III, p. 976; Ann. Cyc., 1863, p. 448.

The result of this widespread, and well organized disaffection was the rapid growth of their control of local, state, and Confederate governments, and the attempt to assemble the Southern and Northern states in a convention which would bring about peace. The convention idea was fostered by the states' rights group, which thus found themselves working side by side with the disloyal. There is little doubt that, with this large group of disaffected citizens, the Confederacy, even had it not suffered military defeat at the hands of the North in 1865, would have been defeated in the next state and congressional elections, which would have disintegrated its armies and brought peace.

## SOME NORTH CAROLINA TRACTS OF THE 18TH CENTURY: X, XI

BY WILLIAM K. BOYD, *Duke University*

### X

#### DR. GEORGE MICKLEJOHN'S SERMON TO TRYON'S MILITIA (1768)

In the lamentable conflict with the Regulators Governor Tryon had considerable support from the clergy of the western counties. During his expedition of 1768 four Presbyterian clergymen united in an address expressing their loyalty and denouncing the Regulation; and similar sentiments were pronounced by Reverend Mr. Suther, a pastor among the Germans. These testimonials were made before Tryon reached Hillsborough; at that place he received two others, sermons preached by Rev. Henry Patillo, a Presbyterian, and Rev. Dr. George Micklejohn, of the Church of England, the latter being delivered at official request before the battalions of Orange and Granville. Patillo's discourse has not come down to us, but that of Dr. Micklejohn made such an impression that it was printed at public expense the following December. A copy is in the possession of the North Carolina Historical Commission, from which the present reprint is made; it has also been reprinted by Professor R. D. W. Connor in the *North Carolina Booklet* (Vol. VIII, pp. 57-78).

Information regarding Dr. Micklejohn is by no means as complete as we should desire.<sup>1</sup> He came to North Carolina in 1766 recommended by the Society for the Propagation of the Gospel in Foreign Parts, and made an excellent impression on Governor Tryon. By him he was sent to Rowan County, but soon after he appears as Rector of St. Matthew's Church, Orange County. In the spring of 1768 he assumed the rôle of mediator between the Regulators and the county officials, and sought to arrange an interview between them. When the Regulators drifted into violence his support was given to the constituted authorities, his sermon being delivered on Sunday, September 25. However at the time of the Alamance affair and its aftermath, there is a tradition that the evidence incriminating

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<sup>1</sup> There are references to him in the *Colonial Records of North Carolina*, Mead's *Old Families, Ministers, and Churches of Virginia*, and *Sketches of Church History in North Carolina* (Centennial Essay), 1892.



Thomas Person was destroyed, not by Person himself, but by Parson Micklejohn, and that thereby he aroused the suspicion of Tryon.

The career of Dr. Micklejohn after 1768 is full of interest. When the Revolution opened he was inclined to be loyal to the Crown. Although he offered the official prayer at the Hillsborough Congress of 1775, he was among those captured by the patriots at Moore's Creek. Fearing his influence in the western counties, he was paroled the following May by the Provincial Congress to Perquimans County; as he did not obey the order, troops were directed to enforce it. The following November he appeared before the Halifax Convention, subscribed to the oath of loyalty, and he was thereupon discharged from parole. However, he did not return to Orange County, but took up his abode in Granville, where he became rector of St. John's Church. When an academy, Granville Hall, was chartered in 1779, he was named one of the trustees. Tradition says that he had once taught in Orange and that some of his parishoners in Granville besought him to resume instruction, but he replied that "he would have nothing to do with their little American Democrats, for it was hard enough to manage them before the Revolution and now it would be impossible." In 1790 he was president of the first Convention of the Clergy and Laity of North Carolina, meeting at Tarborough, and was elected by that body a delegate to the General Convention of the Protestant Episcopal Church and also a member of the Standing Committee for North Carolina; to the latter committee he was again elected in 1794. Some time in the early nineteenth century he removed to Mecklenburg County, Virginia. There he frequently preached, but his name does not appear as officially connected with any church or parish. About 1817 Rev. John Stark Ravenscroft, then Rector of St. James, Mecklenburg, declared in a sermon that Dr. Micklejohn could give a century's verdict to the truth of the Gospel; at once there was an interruption from the congregation, "Naw, Naw, Ninety-acht, ninety-acht!" It is said that he died shortly after.

On the important Duty of Subjection to the  
CIVIL POWERS.

A

# S E R M O N

Preached before his EXCELLENCY

*WILLIAM TRYON*, Esquire,  
Governor, and Commander in Chief of the  
Province of North-Carolina,

AND THE

TROOPS raised to quell the late

## INSURRECTION,

AT

Hillsborough, in Orange County,  
On Sunday *September 25*, 1768:

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By GEO. MICKLEJOHN, S. T. D.

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*NEWBERN:*  
Printed by James Davis,

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M,DCC,LXIII.



DEDICATION.  
TO  
HIS EXCELLENCY  
WILLIAM TRYON, *Esquire*  
Governor and Commander in Chief of the  
Province of *NORTH-CAROLINA*

*SIR,*

THE Kind Approbation with which YOU have favoured this DISCOURSE, is as much an Honour as it is a Satisfaction to me; for which I desire Your Excellency to accept my grateful Acknowledgments: And as You, with many other Honorable Gentlemen, have, in so particularly obliging a Manner, signified Your Desire at seeing it published, I have complied with Your Request; which, indeed, I must own, You put it out of my Power to refuse. I heartily pray GOD it may be attended with those beneficial Effects, which You seem to entertain so much Hopes of: And if it should be instrumental in bringing any to a just Sense of the great DUTY inculcated therein, and a religious Observance of it for the future, My Pleasure would be greatly heightened, by the Happiness I am sensible You will receive Yourself. With My earnest Wishes for Your Excellency's present Felicity, as well as Eternal Welfare, which it will always be a peculiar Joy to Me to promote,

I remain, SIR,

Your EXCELLENCY'S

Ever faithful and obliged

Humble Servant,

*GEO. MICKLEJOHN.*



A SERMON, &c.

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ST. PAUL'S *Epistle to the ROMANS*, Chap. XIII, Verses 1st & 2d.

*Let every Soul be subject unto the higher Powers; for there is no Power but of God; the Powers that be, are ordained of God.*

*Whosoever therefore resisteth the Power, resisteth the Ordinance of God; and they that resist, shall receive to themselves Damnation.*

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I AM persuaded, that every one who feels the least regard for the welfare and happiness of his country; and the peace and comfort of his fellow-subjects and countrymen, will look upon the subject as highly proper, and seasonable at this time.

FOR who can reflect upon so many wretched and unthinking men, thus madly attempting to subvert the laws of the kingdom; thus inconsiderately involving friends, relations and neighbours, in the most direful calamity, and foolishly bringing upon themselves destruction here, and damnation hereafter;—who can look upon so deplorable a scene, without feeling the most earnest desires, that every such rash and misguided person could be made duly sensible of the dreadful impiety of so daring and wicked an action, as well as of the certain misery that must inevitably be the consequence?

IT is possible this alarming consideration may prevail with some persons, when every other more laudable motive fails of its proper influence; and, it is to be hoped, that a sight of their danger may bring them to a sense of their duty.

WITH this view, I have singled out the words of the text for the subject of our present meditation: And though I have the pleasure to think I am speaking before those who stand not in need of [2] the admonition they contain, yet I thought it not improper for us to consider the several arguments which enforce this great duty here enjoined; that we may not only be preserv'd stedfast in our obedience to it ourselves, but may be able to convince others of the danger, as well as error of their ways; and keep them, for the future, in the paths of duty and allegiance, from which they have lately so unhappily wandered.

YOU cannot but observe then, in the first place, that this important duty of subjection to lawful authority, is one plain and principal doctrine of Christianity. It is here delivered to the world by an inspired Apostle of CHRIST; by *Him*, whom our LORD, in a vision to *Ananias*, honours with the distinguishing title of "*a chosen vessel to Himself*." He it is, who, thus commissioned from above, gives us, in the name of the most high GOD, this solemn command in the words of the text; to which we are, all of us, both high and low, rich and poor, wise and ignorant, indispensably obliged to pay the highest reverence and regard; and no rank nor station in life, can possibly exempt any one from the strictest obedience to it: For it is directed to all men in general, without any exception—*Let every soul be subject to the higher powers*—and it comes to us by the *Authority* of the same GOD and SAVIOUR, who has given us every other precept that we meet with in holy scripture:—It comes to us from that sovereign LORD OF ALL LORDS, whose name we have the honor to bear; whose subjects we profess ourselves at present; and whose eternal kingdom we hope to become inheritors of hereafter: 'Till men, therefore, have renounced CHRIST, and apostatized from *his* religion—'till they have disowned *his* sovereignty and dominion over them, and given up all expectations of future happiness from his favour, they must acknowledge themselves bound, by the strongest ties, both of interest and gratitude, to comply with this sacred injunction, no less than with every other command of *his Divine Gospel*.

BUT we may still further judge of the singular importance of this duty enjoined us in the text, from that remarkable stress laid upon [3] it by the great Apostle in several other of his Epistles. When he is delivering his apostolical injunctions to *Titus*, and instructing him in the several branches of his duty as a minister of *Christ*, he gives it him in charge, in a very solemn manner, to put men in mind, to be subject to principalities and powers; to obey *Magistrates*; to speak evil of *no man*; to be no *brawlers*, but *gentle*; shewing all *meekness to all men*. These things, says he, I will that thou affirm constantly, that they which have believed in God, that is, they who have acknowledged the truth of that revelation he has made us in the Gospel, might be careful to maintain good works: These things are good and profitable unto men.

AND in the first Epistle to *Timothy*, he carries this request and reverence for the powers that are lawfully set over us, to a still greater height; making it our duty, not only to be subject unto them, but to implore the favour of Heaven upon them, and the divine blessing on their endeavours for the public happiness and tranquility. *I exhort first of all*, says the Apostle, *that Supplications, Prayers, Intercessions, and giving of Thanks, be made for all Men: For Kings, and for all that are in Authority; that we may lead a quiet and peaceable life, in all godliness and honesty; for this is good, and acceptable in the sight of God our Saviour.*

JUDGE therefore in yourselves, my beloved brethren, and beseech others, in the name of God, to consider how dreadful a breach of this duty they must be guilty of, who, instead of praying for the safety of our governors and protectors, presume to threaten their sacred persons with violence, to whom God had commanded us to pay the highest veneration, because they derive their authority from *him*.

AND this leads me to a second very material argument, arising from the words of the text, which strongly enforces this duty, and to which it becomes every one seriously to attend: For surely nothing should more fully convince us of our obligation to pay the most ready obedience to this precept of Christianity, than the solemn reason which the Apostle has immediately subjoined: *Let every soul* [4] *be subject to the higher powers; for there is no power but of God: the powers that be, are ordained of God.*

HAD this precept been delivered to mankind without pointing out to them at the same time, this particularly awful sanction; yet even then our observance of it would have remained indispensable: For when God commands, man is to obey.

THAT God, from *whom* we have received life and breath, and all things, and to *whom* we are indebted for every comfort and blessing we enjoy—that God, upon *whom alone* we are to depend to all eternity, and by *whom* our unalterable fate is to be finally determined;—this great and adorable BEING has an uncontrollable right over *his* dependent creatures, to lay upon them whatever commands *his* wisdom sees proper for them, without being obliged to satisfy them of the reasons for such his sovereign will and pleasure. But in case before us, you cannot but take notice, in how very different a manner

God has been pleased to deal with us; for while he gives us this command by his holy Apostle, he graciously condescends to inform us of those weighty reasons upon which the duty is founded, and which would be most likely to engage us in a religious observance of it.

WE are commanded, therefore, *to be subject to the higher powers*, because the authority they are invested with is from HEAVEN: *The powers that be are ordained of God!*—They are God's vice-grements upon earth, and instruments in the hand of his providence, for carrying on the grand purposes of production and government, and for securing the peace and happiness of mankind.

AND though, indeed, they are sometimes unhappily obliged, through the perverseness and wickedness that is in the world, to become *unwilling* avengers, to execute wrath upon every one that doth evil; yet are they, in general, the ministers of God to us, for good, and for the praise and reward of them that do well.

WAS it not for this necessary power which has been committed to them by the ALMIGHTY, every thing must soon be involved in the most dreadful anarchy and confusion. Every man's own will [5] would then be his law; and no language can fully describe those various scenes of misery and horror which would continually arise before us, from the discordant passions and divided interests of mankind. But God in his infinite goodness, has provided a natural security against all these mischiefs in those different ranks and orders of men, which his wisdom has thought proper should subsist in the world; and in which some are allotted to govern, and others obliged to obey, that so the happiness of the whole community might the more effectually be preserved. And upon these *guardians* of the public and general welfare, God has been pleased to confer a divine authority, to render their persons, as well as ordinances, the more sacred and venerable.

IT is by *him*, therefore, that kings reign, and princes decree justice; by *him* princes rule, and nobles, even all the judges of the earth: And as it is very beautifully expressed in the book of Wisdom, *power* is given them of the LORD, and *sovereignty* from the *Highest*: To the truth of this important point, we have a greater than *Solomon* bearing testimony; even our blessed Saviour himself, *who*, when *Pilate* was boasting of that power he had over *him*, either to



crucify or to release *him*, puts him in mind from whence he had received his authority; and given him this mild and instructive answer. *Thou couldst have no power at all against me, except it were given thee from above.*

HERE we learn from the mouth of our *Redeemer himself*, whence is derived that dignity and sacredness, which belong to those who are invested with any public power and office.—Here we behold the God of the universe submitting to the supreme authority *he himself* has conferred upon man; and acknowledging the reverence due to that very power, which was shortly to pronounce the sentence of death against *him*.

BUT we have a still more striking and remarkable instance of submission and respect to the *Civil Powers*, which our blessed Lord, upon another occasion, condescended to show, and which highly deserves every one's serious attention and regard: It is recorded by the [6] Evangelist *St. Matthew*, in the 17th chapter of his Gospel, that when our Lord was come to *Capernaum*, they who received the tribute money, which was required of every Jew above the age of twenty, demanded of *St. Peter*, whether his *Master* intended to pay it. *St. Peter* very readily engages for his Lord's willing and chearful compliance; as he well knew how exact had ever been *his* observance of every civil, as well as religious duty: But when he came into the house to inform his master of this demand, our *blessed Saviour*, by an easy similtude, leads him to understand, that he had been too hasty in his promises for *him*; for surely, if the children of earthly princes could plead a freedom from paying any custom or tribute, (as appeared in his own reply to the question our Lord had proposed) much more reasonably might *he* be exempted from it, who was *himself* the *Lord of all things*, and the *Son of that heavenly King*, for the service of *whose* temple this particular tribute was paid.—But notwithstanding our Lord might have justly claimed this privilege and exemption; yet, you see, *he* willingly declines it; and, *Least we should offend them*, says *he*, to the Apostle, *go thou to the sea, and cast an hook, and take up the fish that first cometh up; and when thou hast opened his mouth, thou shalt find a piece of money; that take, and give unto them for me and for thee.*—What condescension was this in the Son of God!—Who but must be struck with admiration at this amazing instance of *goodness*, in thus vouchsafing

to work a miracle, rather than to not satisfy the demands of public authority; least, by refusing compliance *himself*, he might countenance others in disobedience and rebellion! And who is there that will presume to offer insult to the powers that are in authority, or shew the least resistance, when he considers how remarkably our Lord was pleased to honour them, by expressing the most cautious fear of displeasing them, and thus wonderfully providing against giving any offence?—In order, therefore, to guard men from incurring the guilt of so heinous a crime, let us, in the third place, briefly consider the dreadful consequences that must attend it.—This the Apostle gives us, in these few, but awful words, *They that [7] resist, shall receive to themselves DAMNATION*; not only condemnation in this *world*, but eternal *vengeance* in the *life to come*.—And here again, we cannot but observe, the great importance of this duty of subjection, from that tender care which the goodness of GOD has taken to secure our obedience to it. Some precepts are delivered to us without any particular intimation of the punishment attending our neglect: But this was a matter of so much consequence to the general comfort and happiness of the world, that the *divine wisdom* thought it necessary for us, while we read the sacred injunction, to have before our eyes that future misery which must follow the violation of it: So that, if the love of God, and reverence for *his* commands, should fail to produce this becoming submission, a regard for our own *Everlasting Interest* might possibly prevail.

GOD has, therefore, been pleased, by *his* holy Apostle, to pronounce the sentence of *inevitable perdition upon all those who refuse subjection to lawful power and authority*; as hereby, they not only shew the highest contempt of *his* positive command, but do all in their power to obstruct the gracious designs of *his* providence, for the *good and welfare of mankind*. So that, upon calm consideration, every one must acknowledge, there cannot possibly be offered a greater insult to *Almighty* GOD, than thus contemptuously to disregard *his* will, and despise those sacred powers whom *he* has ordained and appointed to carry on the best and noblest purposes in the world: And what wonder then is it that so terrible a portion is reserved in store for every such bold and presumptuous offender?—God is represented in scriptures as the *God of Peace*, and *Lover of Concord*; and we are, for this reason, commanded, in

another place, to follow peace with all men; because, without this, no man shall see the LORD. Every one, therefore shall hereafter be banished from *his* presence and glory who dares to disturb, in the least degree, that peace and harmony; or endeavours, in any respect, to destroy that good order and government, which it is the intention of HEAVEN should be supported in the world.

[8] BUT though we were not able to assign any particular reason for this severe judgment mentioned in the text, yet ought it to be sufficient warning to every rebellious sinner, to find how positively it is there denounced: For what God has so solemnly threatened, *he* will most assuredly inflict.

THESE then are the principal reasons which enforce the duty enjoined by the Apostle; but there are several others, which, if duly attended to, cannot but add considerable weight to the arguments already offered, and which I shall, therefore, beg briefly to mention.

LET it be considered then, that resistance to that lawful power and authority which God hath set over us, can never possibly be productive of any thing but the wildest uproar, and most universal confusion; and, in the end, can never fail of being attended with the most shocking and dismal effects.

OF this we would have seen a dreadful and melancholy proof; and God only knows what worse consequences might have ensued, had they not been happily prevented by the good conduct of those brave men, who distinguished themselves as remarkably by their HUMANITY, as by the VALOUR, they shewed on that trying occasion.

TO their courage and intrepidity will ever be due our warmest gratitude and thanks; which, blessed be God, gave so timely a check to the desperate fury of those rash men who were engaged in that execrable attempt; and to their humanity these very men ever acknowledge themselves obliged, which bore so long and patiently their repeated and exasperating insults, and treated them afterwards with greater leniently than they could reasonably expect; for where one has not fallen, twenty ought to have suffered.

LET every one learn, that outrage and violence can never answer any other end but to spread slaughter and desolation around us; and to introduce the most wretched scenes of misery and distress: Let them consider further, how impossible it is that any good can

ever be brought about by such wicked means; and that tho(ugh) some [9] may only meet the ruin their rashness has sought, yet many others must unavoidably become partakers in the calamity who were never partners in the crime.

THE consideration therefore of the present misfortunes, in which many of their fellow creatures must be involved, as well as the future destruction to which others are exposed by such daring acts of rebellion, will naturally restrain every man from uniting in them who has the least spark of humanity and compassion remaining in his breast.

ANOTHER motive which cannot but have great weight with every generous mind, is the reflection that every the least Insult offered to magistrates and governors, is an act of the basest ingratitude against those who are, under God, our protectors and guardians, not only from foreign Enemies, but from every domestic foe: To them we owe our security from all that numerous train of mischiefs to which we should be daily liable, from the corruption and wickedness of the world, if under no restraint from human laws, and unawed by proper authority!—To them are we indebted for the safe and comfortable enjoyment of all the blessings of private life, and all the advantages we derive from civil society!—Were there not some who would take upon them the arduous business of public government, the execution of laws, and administration of justice, how would vice and iniquity every where triumph! And what must become of the welfare and tranquility of every individual, were men left at full liberty to plan their malicious schemes against them, and knew they could safely execute them whenever they pleased? What must become of the general peace and happiness of the whole community, when fraud and injustice, oppression and violence, with every other crime that is injurious to society, might be perpetrated with impunity, and without controul? How infinitely then are we obliged to those persons who willingly undertake so important a trust, and by whose care, abilities and vigilance, these evils are prevented, and the public felicity preserved? And how very [10] enormous and shocking is the offence, when in the discharge of their laborious office, they are treated with insolence instead of honour, and met with threatenings instead of thanks!



BUT lastly, there is one remark I have further to make, and which ought to have a peculiar force with the people of this land, in leading them chearfully to that subjection which is represented in the text, as the common duty of all men.—I would beg leave to observe therefore, that for an *Englishman* to oppose the laws of his country, is an instance of the highest folly and contradiction we can conceive: For such is the singular excellence of our happy constitution, that the laws to which our obedience is required, are, in reality, no other than what we ourselves have been partly concerned in making.

ALL men must know, that it is impossible for a whole province to meet together for this important work; and every one, I believe, will acknowledge, that were they so assembled, very few would be found capable of carrying it on: For as the wise son of *Sirac* very justly observes, *How can he get wisdom that holdeth the plough, and that glorieth in the goad; that driveth oxen, and is occupied in their labours; and whose talk is of bullocks? They shall not be sought for in the public council; nor sit high in the congregation; they cannot sit in the judges seat, nor understand the sentence of judgment:* Since therefore, we cannot all be present in this great assembly, wherein the weighty business of public government is transacted, we have this peculiar privilege, *and a glorious one it is*, of appointing such persons, in whose abilities, understanding, and integrity, we think we may safely confide, to appear for us, in that august assembly; and who are, upon that account, very properly stiled *our representatives*.

IN consequence then of this choice, which we have the liberty to make, and that full power we voluntarily give into their hands; we not only yield our consent before-hand to whatever laws they may judge it expedient to enact, but may be justly said to have had [11] a principal share in enacting them ourselves; inasmuch as they are framed by their wisdom, and established by their authority, whom we have appointed for that very purpose.

SO that every man, of the most common understanding, if he will allow himself a moment's reflection, may easily see how particularly it is the duty of every one of us, to submit to the laws of his land; and, how astonishing an absurdity it must appear to all the world, if ever we refuse that becoming subjection.

HOW happy would millions think themselves at this hour, who know no other law than the imperious will of some arbitrary prince, could they change situations with us, and taste the singular blessing we enjoy, in being govern'd by the laws we ourselves have made! Let us take care, we set a due value upon this inestimable privilege; lest, if we slight these distinguishing marks of God's favour, and disturb that excellent form of government which his providence has so long preserved among us,—*He* may be provoked to deprive us of it, and bring upon us the misery which such ingratitude would deserve.

I SHALL now briefly sum up what has been said in this discourse, that we may see how many, and powerful are the arguments we are furnished with, to engage us in stedfast observance of this duty, and enable us to convince others of their indispensable obligations to practice it.

YOU find, then, it is a duty which is guarded from violation by all the most sacred and awful sanctions that could possibly be thought of; and bound upon us, by every tie, civil, moral, and divine.—The peace and tranquility of our fellow-subjects and countrymen demand our obedience to it.—The well-being and happiness of society in general, and the comfort and felicity of our dear relations, friends and neighbors in particular, depend upon it; and without our conscientious performance of it, an universal scene of confusion must soon prevail, and all be involved together in the deepest calamity and horror.

[12] LET all such persons therefore who dare to think of engaging in any act of rebellion and disobedience, be intreated to contemplate a little those various and horrible miseries they will unavoidably occasion, and that may possibly deter them from it:—Let them listen to the cries of the disconsolate widow;—behold the tears of the helpless orphan; and consider, how they will be able to endure the sad upbraidings of those miserable mourners, who may justly take up against them the lamentations of the prophet *Jeremiah*: *Is it nothing to you, all ye that pass by? behold, and see if there be any sorrow like unto my sorrow, which your rashness and iniquity have brought upon us!*

BUT particularly let them remember, that the blood which may be shed by their means, will hereafter be required at their hands; and that every one of those unhappy souls who shall be brought to

an untimely end through their evil counsels and wicked instigations, and sent into another world with all their sins about them, will rise up in judgment against them at the last day, and call for tenfold vengeance on their devoted heads.

LET them be farther put in mind, that gratitude to those who afford us a peaceful security from every ill, should engage us in a steady adherence to this duty, at all times and upon every occasion: Should lead us to return obedience for protection, and repay the kind exertion of their abilities and endeavours for the public happiness, with the easy tribute of reverence and affection.

BUT some men may have neither humanity nor generosity in their tempers, to be affected by such consideration as these. To them therefore we must open the sacred page (which, perhaps, they have never before looked into) and point out the solemn and positive command of God enforcing this great duty; and tho(ugh) they may not regard an earthly potentate, yet surely they will stand in awe of the MAJESTY of HEAVEN: Or, as holy *Job* emphatically puts the question: *Shall not HIS EXCELLENCY make them afraid? and shall not His DREAD fall upon them?*—Shew them, moreover, [13] the foundation upon which the reasonableness of this duty is supported: Tell them, that obedience to the civil powers is required of us, not only because God has commanded it, but given us also this very solemn reason, enforcing that command—that they were instituted and ordained by Himself. When they read therefore, that there is no power but of God, beseech them seriously to consider how detestable they must render themselves in His sight, who, instead of submitting to every ordinance of man for the Lord's sake, (as we are taught by another Apostle, is our bounden duty) dare to rise up themselves, and compel others to unite with them, in opposition to any law that has been legally established; or to obstruct the ministers of justice in the execution of that high office they are obliged by oath to discharge, and which has been derived to them from the authority of the *Almighty* himself.

NOTHING, one would think, could so effectually strengthen our obligation to the duty of subjection, as this single consideration, that whosoever resisteth the power, resisteth the ordinance of God; and that every such wicked and desperate attempt is not only treason against an earthly sovereign, but rebellion against the most high God.

AS a farther motive to this duty, and because example is more prevailing than precept, bid them turn their eyes upon the meek and blessed Jesus, and behold him in that gracious and condescending act of submission, I mentioned in the former part of this discourse.—Ask them, if they are not sensible, that He who could feed five thousand men with a few loaves and fishes, could have supported millions with the same ease, to have protected him from the resentment of the civil powers, if he had thought fit to have made the least opposition? But instead of showing resistance, we behold Him here manifesting the most tender concern and regard for the support of their authority; and by that miraculous method he took to pay obedience to it, convincing mankind of the necessity and importance of this great duty.

SHALL man then presume to refuse that submission which God himself has thus condescended to pay? This amiable pattern we [14] have before us in the person of our great *Redeemer*, ought to have an irresistable influence upon all who call themselves by *his* name; and was, no doubt, intended for our imitation by that gracious Being, who came from HEAVEN with this peculiar design, to leave us an example that we might follow his steps.

FINALLY, whereas the more various and powerful the motives are, which enforce any duty, so much more aggravated will be the crime which leads us to break through them: Oh! beseech them therefore, in the Pathetic words of St. *Peter*, to repent of this their wickedness; and pray God, if perhaps the thought of their heart may be forgiven by them. This repentence and contrition, if accompanied with future obedience, may not only procure them pardon at an earthly tribunal, but when they come to stand before the judgment seat of CHRIST, will be one means of their obtaining mercy from the Lord in that day, and escaping the vengeance which will otherwise fall upon them. And this leads me to the last motive we have, to enforce their observance of this Christian duty enjoined in the text; that consideration of that eternal misery denounced against those who neglect it.

IF men have no love for their country; if they have no regard for the peace and happiness of those around them; if they have neither humanity nor compassion; neither gratitude nor generosity in their breasts; if they have no veneration for their king, nor rever-



ence for the best constitution in the world; yet they must have some affection for themselves: And though they may despise the commands of GOD, and the example of a SAVIOUR, yet they cannot disregard their own everlasting welfare. This motive then may possibly bring them to repentance, and a better mind, when every other has failed of its influence; and let us not omit incessantly, and importunately, to urge it upon them.

WARN them of the certain perdition they must inevitably bring upon themselves; and exhort them to consider in time, how fearful a thing it is to fall into the hands of the LIVING GOD! Tell them our God is a consuming fire to such workers of iniquity, and able [15] to destroy both body and soul for ever; and bid them therefore remember, that though they may escape from the sword of justice in this life, they cannot escape the DAMNATION OF HELL.

MAY the good grace of God preserve us at all times from falling into the like crime, that we may never incur so dreadful a condemnation. And as we of this land are peculiarly blessed at this time with one of the most amiable and excellent Governors that ever adorned a province, who has given us his *promise*, that the felicity of his people shall ever be his principal care; let it be our perpetual study and delight, by every means in our power, and particularly by all dutiful submission to *him*, and *those* whom *he* shall set over us, to render *his* government as peaceful and happy to our affectionate SOVEREIGN, as he will endeavor to make it to us his grateful subjects.

SO shall we secure the blessings of Heaven on ourselves and our posterity; and whenever we are removed out of this troublesome world, shall become members of that blessed kingdom, where universal peace and love, and uninterrupted concord and harmony, will reign for ever and ever. *Amen.*

## XI

## A TABLE OF NORTH CAROLINA TAXES, 1748-1770

This broadside is a part of an important investigation of the finances of North Carolina undertaken in the year 1769. Discontent was then rife throughout the province. The conviction that local officials were corrupt was not confined to the Regulators; it was likewise held by many, notably by Governor Tryon, who declared that the sheriffs were delinquent with their accounts. There was also a belief that the taxes levied to redeem the outstanding issues of paper money had fulfilled their purpose and should no longer be collected. Consequently in December 1768, the Assembly authorized John Burgwyn, Clerk of the Court of Chancery and Secretary of the Council, to investigate the state of the public accounts, and the authorization was repeated the following December. The result was three reports. One was a statement of the accounts of the sheriffs which showed that those officials were behind in their settlements with the colonial treasury. The second report indicated that the taxes levied to retire the currency were greater than the amount of currency issued, and so contributed to the final controversy between the Governor and the Assembly concerning the currency. Both of these reports were filed in December, 1770. The third report, made probably at the same time, was a table of the number of taxables and the taxes paid, county by county, from 1748 to 1770. It is singular that while copies of the other reports may be found in the *Colonial Records*, this one is lacking; indeed only one copy is known to exist, and that is in the possession of the Massachusetts Historical Society. By courtesy of that institution it is herewith reprinted.

The information contained in the table is not entirely self-explanatory. The taxes listed were levied on the poll, but some of the statutes authorizing them do not exist. Thus the rates for contingencies are not included in the revenue laws as published, or in the manuscript copies of the laws, although the captions of acts levying contingencies are sometimes given. Moreover the rates on certain of the aids are not stated in the statutes; this is true of those levied in 1757, 1758, 1759, 1760 and 1761. Although in 1760 the aid for 1763 was fixed at 1s by the statute, it is noted in

the table as 1s, 8d; and although a levy of 1s, 6d was authorized in 1758 for salaries and expenses, there is no memorandum of its collection. According to the table the sinking tax, which had its origin in 1748, was doubled in 1763 and 1764, for which there is no authorization in the statutes extant; in 1768 it appears to have been reduced, which also is not warranted in any known act of the Assembly.

In another detail of the table there is obscurity, that of the school tax levied from 1755 to 1761, inclusive. There is no provision for this to be found in the statutes; but Governor Dobbs, writing to the Board of Trade in 1757, mentions the tax as authorized in the aid granted in 1754, and he adds that it yields £900 per annum. The purpose of the tax was undoubtedly to support the £6,000 in bills of credit voted in 1754 for a public school in the province. However, the money was used for the expenses of the government in the French and Indian War and no reimbursement was granted the colony by the British authorities in settling the accounts at the end of that conflict. Hence the public school was never established.

From these facts it is evident that the statutes that have come down to us do not give a complete account of the taxes levied and that supplementary information may be gained from the table prepared by John Burgwyn. Another interesting phase of the table is the list of counties from which no tax was collected for various years after 1748. Some of these counties were of course nonexistent for the years in which no taxes are reported; the deficiency regarding others is doubtless due to the fact that their tax records were not available; but the lack of data pertaining to Chowan, Pasquotank, Perquimans, and Tyrrell is explained by the unarmed rebellion of 1748 and the confusion resulting therefrom.

## HISTORICAL NOTES

EDITED BY D. L. CORBITT

The battle of Alamance, which was fought May 16, 1771, brought an end to the Regulation in North Carolina. It was also the climax of Governor Tryon's administration, as he had previous to the battle, received his notice of appointment as Governor of New York; and within a short time after his victory, he bade his army farewell and set out for that province. But his name was in the newspapers of this and other provinces for some time afterwards. In fact there ran in the newspapers a heated discussion about him, his assumption of dictatorial powers, his utter disregard of the people's rights and his cruel suppression of the Regulators. He was addressed directly in the newspapers under a pseudonym, and there came an immediate response of the loyal citizens of North Carolina upholding his character, maintaining his authority, extolling his success and discrediting the attack made upon him by hanging the promulgators of the article in effigy. Some of the newspaper articles are as follows:

### LETTERS QUESTIONING GOVERNOR TRYON'S AUTHORITY AND ACTIONS

"From the MASSACHUSETTS SPY, of June 27,  
To Governor TRYON

SIR,

As we hear the Presses in North Carolina are entirely at your Devotion, and even these confess it is dangerous to reason in Reach of your Artillery, I will presume to ask you some Questions in this Channel, which, though surrounded by Ships of War, dares tell the boldest Tyrant he is a Traitor and a Villain. These Questions you may answer as you please; or, being so notable a Patron of Pettifoggers, you may, by a Salary, prevail on our redoubted Impavidus to vindicate your Avarice, Ambition, Injustice, Perjury, Perfidy, and Murder.

Query 1. Was it not the evident Design, and an Object that lay near the Heart of the Father of his People, George the second, that the Carolinas should be settled with industrious Husbandmen?



Query 2. Would not your Fame have had a better Chance of reaching future Generations, in the Condition a good Man should wish, had you encouraged this gracious Undertaking by a strict and impartial Administration of Justice among your People, than by managing their Representatives in such a Manner as to impoverish a whole Province in building a Palace for you?

Query 3. Is not your avowed Connivance at the enormous villainies of the Banditti of Robbers, your Judges, Sheriffs, and Pettifoggers, a Translation of all their accumulative Iniquities to yourself?

Query 4. By what Laws do you vindicate the Trial of an able and generous Planter by a Court Martial, and actually inflicting a Hundred Lashes upon him, for refusing to take Arms against his Brethren, drove by your intolerable and multiplied Impression to defend themselves?

Query 5. How do you account for the acknowledged Perfidy of opening on a People with a full Discharge of Artillery, &c while under the sacred Bond of a Treaty, the Observance which might have been expected even from a Saracen?

Query 6. What shall we in future think of the Term Loyalists, should it continue any Time to be exclusively applied to Extortioners, Traitors, Robbers, and Murderers?

Your direct and satisfactory Answer to each of these interesting Interrogatories is demanded by

LEONIDAS."<sup>1</sup>

THE RESOLVES OF THE PEOPLE OF NEW BERN  
PASSED AFTER READING THE QUESTIONS TO GOVERNOR TRYON IN THE MASSACHUSETTS SPY.

"NEWBERN, July 27.

"WE are advised from Dobbs County that since the Return of the military Gentlemen of that County from the Expedition very spirited Measures have been pursued with a Number of Gentry who have been discovered to have held regulating Principles, and were ready to have joined the Regulators had they succeeded against the

<sup>1</sup> *Virginia Gazette*, July 25, 1771.

Provincial Forces. About ten of these People have been apprehended, tried by a Court Martial, and severely flogged at the Halberts; and, what is very amazing, a Person of that County, of considerable Property, has thought proper to decant rather than undergo the Discipline of the Halbert, which he must have submitted to, for being very deeply tinged with the regulating Notions.

That the Idle, the Dissolute, and Abandoned, who have nothing to lose, should join in opposing Government, excites no Wonder, because, in the general Confusion, they have a Chance to amend their Fortunes; but the Man of real Property, who risks his Life and Fortunes on so precarious a Tenure must be a Fool or a Madman, or actuated by some malignant Principle of Revenge or Ambition, that degrades human Nature, and places him below the Brute Creation, the ferocity of whose Nature prompts them to devour their own Species.

Such principles as these, we imagine, must have entirely taken Possession of the Breast of a Person who lately wrote a Letter from this Country to Boston, and published in Edes and Gill's Paper, charging the Printers of this Province to be so much under the Influence of Government as not to publish a true Account of the late Battle with the Regulators, and his Excellency Governour TRYON with being a Murderer, a Horsestealer, an avaricious Plunderer; Words he certainly knew not the Meaning of, or they must immediately have convicted him of a Lie as the contrary Character of his Excellency must stand engraved in indelible Characters on the Breast of every Inhabitant of NORTH CAROLINA.

On Saturday Evening it was mentioned in a Company of Gentlemen, at the King's Arms Tavern, that the Massachusetts weekly, political, and commercial Paper called the SPY, of the 27th of June, was then just received by a Person in Town, containing sundry Particulars relative to the Measures pursued by Government against that Faction of People who, long before, Under the Title of Regulators, had insolently insulted the Dignity of his Majesty's Courts, daringly torn down Justice from her Tribunal, openly set at Defiance the Laws of their Country, and, with Circumstances the most brutal, broke through and violated every sacred Tie of human Society. The Paper being sent for, and read, it was the unanimous Opinion of every One present that they were compelled, in Point

of Justice to his Excellency Governour Tryon, to themselves, and to the Publick, to have a Meeting of the Inhabitants on the Monday following, to collect their sentiments respecting the Contents of the said Paper. A Meeting was accordingly had, and the Honourable SAMUEL CORNELI, Esquire, being elected Chairman, the Paper called the Massachusetts Spy, Number 17, was again read, when the Inhabitants came to the following Resolutions.

Resolved, That it is the Opinion of the Members of this Meeting that the Character of his Excellency Governour Tryon, by the Integrity and Propriety of his Conduct, both in publick and private Life, is so well established, that it can receive but little Support from any Resolution entered into between us; yet we hoped to be pardoned when we say we cannot see the bainful Epithets of Tyrant, Traitor, and Villain with the complicated Charges of Avarice, Ambition, Injustice, Perjury, Perfidy, and Murder, applied to a Gentleman of so amiable and exalted a Character, without resolving that the same is most wantonly cruel, and unjust; unless it be thought Tyranny to be courteous, humane, and benevolent, on all Occasions; Treason, to make the Law a Rule of his Conduct; villainy, to be generous and just in all his Dealings; Avarice, to expend many Thousand Pounds of Private Property, with every Immolument of Office in executing the Trust reposed in him; Ambition, to be affable to the Great, and condescending to the lower Part of Mankind; Injustice, to do as we would wish to be done by; perjury, strictly to adhere to every sacred injunction; Perfidy to be faithful and scrupulously punctual in the Observance of every Engagement; Murder, to permit the Execution of the Sentence of the Law; which if it be, thy censure be just, otherwise, Leonidas, thou art a Liar, the basest of Calumniators.

Resolved, That we think it a Duty which we owe to ourselves, and the Publick to assert that we ever considered the Presses of North Carolina as entirely free, and as being open to all Parties but influenced by none; neither awed by the Menaces of the Mighty, nor restrained by the Murmurings of the Multitude.

Resolved, That the Suggestion of the contrary contained in the said Massachusetts Spy, we consider as a high Insult and Indignity offered to that Spirit of constitutional Freedom and Independence which the Inhabitants of North Carolina have ever discovered.

Resolved, That the Blessings derived to the British Nation from the Liberty of the Press arises, as we apprehend, from the Privilege of a discreet and unreserved Discovery or Communication of real Facts and Opinions, whereby the Publick may be benefited or an Individual made the wiser, better, or happier, and in not being the infamous Vehicle of private Scandal or publick Abuse.

Resolved, That the Paragraphs in the said Massachusetts Spy which have Reference to Measures of Government taken by Governour Tryon against the Regulators are replete with the basest Misrepresentations, the most palpable Falsities, abusive Epithets, and scandalous Invectives; and that therefore it is a shameful Perversion of the Liberty of the Press, and that the Authors and Publishers thereof deserve to be publicly stigmatized, and loaded with the heaviest Contempt and Reproach.

Resolved, That the Chairman be requested to direct the Sheriff of the County to give Orders that the Paper called the Massachusetts Spy, Number 17, be publicly burnt under the Gallows, by the common Hangsman, on Wednesday next, as an open testimony of the utter Abhorrence and detestation in which that infamous Production, and its still more Infamous Authors, are held by the People of this Government.

Resolved, That a Copy of the foregoing Resolves be sent to James Davis and Adam Boyd, Esquires to be published in their next Gazettes, as a proof to the Massachusetts Spy of the Freedom of the Press in North Carolina.

To the PRINTER of the Massachusetts Spy  
SIR,

WE observe you have, in your Spy Number 17, inserted a Piece subscribed Leonidas, replete with abusive Epithets, scandalous Invectives, and daring Falsehoods, against our late Excellent Governour, whose numberless Virtues, and amiable Qualities, justly endear him to all the good People of this Province.

It certainly is difficult to conceive to what a Degree of Iniquity a Man may arrive, who, like Leonidas, has the Effrontery to set Truth and Decency at Defiance; and you, Mr. Printer, in undertaking to be the Publisher of such vile Calumnies, fall little short of him in Point of Guilt.



Be it known to him, and you, Sir, that the beloved Memory of Governour TRYON is, and will continue to be, deeply impressed on our grateful Hearts, and we trust will be transmitted by us to our latest Posterity; while the stigmatized Name of Leonidas, and yours, Mr. Printer, will be consigned to that Infamy justly attendant on such egregious Calumniators.

Whether we consider his Excellency Governour TRYON in a publick or private capacity, several years Experience of his Conduct, a grateful Remembrance of his many Services to this Province, and an incumbent Regard to Truth, oblige us publickly to declare that the strictest Justice, Probity, Honour, Humanity, Munificence, and Affability, are his distinguishing Characteristicks.

With respect to the six Queries of Leonidas, we admit the first, namely, his late Majesty's gracious Intentions towards this Province; but as to the Facts which Leonidas basely suggests in the other Queries, as they are asserted without proof, so they are sufficiently answered by denying them, except that Paragraph relative to whipping a Man whom he calls an able and generous Planter. The Person he alludes to was deservedly punished by the Sentence of a Court Martial, called by his Colonel, for his Crime and Misbehaviour while in the Ranks, and under the immediate Command of his Militia Officers, in Virtue of a necessary Law of this Province, entitled the Militia Act.

We cannot, however, pass over the fifth Quere, without taking some particular notice of it; for he therein says the Governour ordered a Discharge of his Artillery on the People while under the sacred Bond of a Treaty, the contrary of which is well known, not only to the Forces there under his Excellency's Command, but to the Rebels themselves, and never was suggested by any One of them to have been otherwise.

His Excellency tried every Expedient that human Prudence could suggest to prevail on the Miscreants to lay down their Arms, take the Oaths of Government, and surrender up to publick Justice their outlawed Chiefs, promising them upon such easy Terms his Majesty's most gracious Pardon for all their past numerous Transgressions, but they rejected his Offers with Contempt and abusive Language; nay some of the audacious Wretches cried out to his Troops, "fire and be dammed," and others exclaimed, "here's Death in one Hand,

and no Mercy in the other! Battle! Battle!" He then directed the Sheriff to order them to disperse, agreeable to the Riot Act; which the Sheriff did, but to no Purpose. Yet still he forebore attacking them, till the Hour allowed in such Cases by the said Act was expired; and even then he sent an express Messenger to inform them that the Hour was elapsed, requiring them once more to lay their Arms, and submit to Government, declaring that in case of their Refusal he would, without Delay, fire upon them. But they spurned at his Threats, and contemned his Admonitions, still crying out Battle! Battle! In such a Situation, what could or ought his Excellency to do but perform his Duty (which he most gallantly did) as a brave and experienced Officer, by reducing to Reason and proper Submission a Parcel of abandoned Profligates, who seemed to set all Laws, divine and human, at Defiance, and were overrunning the Country with every Species of Rapine and Violence. Yet these are the Men for whom Leonidas, Mucius Scaevola, and their Partisans, are advocates; and dare, in their Behalf, to attack and traduce one of the brightest Characters on this Continent.

There are Laws, says Mucius Scaevola, sufficient to quell the most outrageous Riots; the Law, and not the Sword, should restrain them.

Were the Laws sufficient to quell the Rebellion in Scotland, in the memorable Year forty five? We all know the military Force found some Difficulty in performing that important Service. But, says Scaevola, the Attorney General should keep a watchful Eye on the People. Grand Juries, indict, Courts issue Warrants, and other Officers ought to execute them, &c. True, Sir; but the People in Question set at naught Courts of Justice, desposed Indictments, opposed all legal Process, and the Authority of Sheriffs and other Officers.

The Posse Comitatus, cries Scaevola, is more than sufficient to bring them to Justice. Ridiculous! absurd! The Men who should form the Posse Comitatus were themselves in Rebellion. What then could be done, but what was and ought to be done?

However, notwithstanding their accumulated Crimes, our good Governour still remembered Mercy (though, all Circumstances considered, few Mortals less deserved) extending it so far as to order

their Wounds to be dressed. Of twelve, who were capitally convicted by their Country, six only were executed.

Mr. Printer, unless your Heart is too callus to feel either Shame or Remorse, the Sight of these Lines must shock your guilty Soul, and force you to curse the Day you unhappily undertook to make your Paper the infamous Vehicle of such detestable Slander.

You, Leonidas and Scaevola, should publickly ask Pardon of God and the World, and of his Excellency Governour Tryon in particular, for your enormous Crime, and endeavour, by an unfeigned Repentence, to pacify divine Vengeance, lest the Almighty, in his Wrath, should denounce the same Fate to you as he did to the perverse Israelites, Amen dico vobis, moriemini in peccatis vestris; though it is said you, Leonidas (Gallio like) care not for those Things.

The last SPEECH, CONFESSION, and dying WORDS, of ISAIAH THOMAS, Printer of the Massachusetts SPY, number 17, in Boston, and his two Copartners in Iniquity, LEONIDAS, and MUCIUS SCAEVOLA, who were executed at Newbern on Wednesday the 31st of July 1771.

THE Criminals having been drawn to the Place of Execution. appeared with dejected, ghastly Countenances, and so confounded with Guilt, and the Terrours of an approaching ignominious Death that they had not the least Power of Speech; whereof, the Sheriff, in their Names, pronounced the following declaration:

“GOOD PEOPLE!

“We are now become, through our Crimes, wretched Spectacles to Heaven and Earth, just Objects of divine and human Vengeance, whose Indignation we must speedily experience. We acknowledge our Guilt; and that, not having the Fear of GOD before our Eyes, but being moved and seduced by the Instigation of the Devil, who is properly the Father of Lies, we did, daringly, maliciously, wantonly, and wickedly, utter, print, and publish. the most audacious Lies, bitter Invectives, and scurrilous Epithets, against a distinguished Gentleman of a most exalted Character. We have calumniated the Innocent, we have traduced the upright at Heart, utterly regardless of this Sentence of holy Writ. Woe be to him by whom Scandal cometh!”

The above Speech being finished, the Criminals (still mute) were turned off, and, after hanging a few Minutes, cut down and cast

into a Fire prepared for that Purpose, amidst the Shouts and Acclamations of a large Concourse of reputable Inhabitants, who made the Air resound with LONG LIVE GOVERNOUR TRYON, PROSPERITY to the CITY and PROVINCE of NEW YORK, &c.

In the Afternoon the Gentlemen met at the King's Arms Tavern, where they spent the Evening in social Festivity, drinking several Royal Toasts nor did they forget their Excellencies Governours TRYON and MARTIN.

The following Epitaph, wrote in large Characters, was tendered to the Criminals, for their perusal, just before their Execution; but they, continuing silent, would not read a single Word of it, wherefore, as a farther Punishment on their contemptuous Taciturnity, it was affixed, before their Faces, to the Gallows.

## EPITAPH

Beneath this Gallows three Traducers lie,  
Who for their Crimes were justly doom'd to die;  
Leonidas, with Mucius of ill Fame,  
And we the third Isaiah Thomas name.  
Sworn Foes to Honor, Virtue, Truth, they fell,  
And where they now reside we cannot tell.

We have the best Authority to inform the Publick that upwards of seven Thousand of the Regulators have come in upon his Excellency Governour Tryon's Proclamation, taken Oaths of Allegiance, and peaceably submitted themselves to Government, and with grateful Hearts acknowledged the Goodness and Mercy of his Excellency, by whose vigorous and spirited Pursuit of the Measures of the Government they have been retrieved from inevitable Distruction to themselves and Families, and rescued from the Hands of a few designing Men who had Nothing more in View than the total Subversion of this Government.

When this is a Fact so notoriously known, it is not inconceivable that Men should still be found who are hardy enough to abet the Measures of a Set of Villians who were in actual Rebellion against one of the mildest Administrations in America, had torn down from their Seats the Judges of his Majesty's Courts of Law in this Province, severely whipped the Lawyers, Clerks, and other Crown Officers, and were in actual March for this Town with avowed intentions



of destroying an Edifice that does so much Honour to the Province, and is an Ornament to North America. The Hearts of such Men must be callous to every Principle of Honour, Justice, or Humanity."<sup>2</sup>

ARTICLE BY A SUBSCRIBER REPLYING TO THE QUESTIONS TO GOVERNOR TRYON IN THE MASSACHUSETTS SPY.

*Letter*

To Mess. PURDIE & DIXON

GENTLEMEN,

I DESIRE the Favor of you to insert, as early as possible, in your Gazette, the enclosed answer to some Queries which you lately transcribed from a Massachusetts Spy. Those were calculated to asperse, this is written to defend, the Character and Conduct of a Gentleman in a very high Station, and who has at least a Right to Justice in the Opinion of the Publick. For these Reasons, I hope you will not deny the enclosed a Place in your Paper by giving me which you will oblige.

Gentlemen, your very humble Servant,  
A SUBSCRIBER.

To the Author of some Queries inserted in the Massachusetts Spy of June 27th, addressed to Governour Tryon, and signed Leonidas.

SIR,

THOUGH I am not that redoubted Impavidus you sneer at, and am entirely unconnected with Governour Tryon, who has now no other Influence in this Province than the grateful Remembrance of his Merit will ever give him, I cannot suppress my Indignation at such a daring Violation of Truth, Decency, and Honour, as you have shown in your Queries. You ought, Sir, to have been completely Master of Facts from which you draw such bold inference; and it could hardly have been expected that an Impeachment of a Gentleman's Conduct in such high Trust should be grounded upon bare Surmises, or false Suggestions. But, Sir, that I may not too much follow your Track of Declamation, I will proceed to answer those

<sup>2</sup> *Virginia Gazette*, August 29, 1771.

Queries which you have addressed to Governour Tryon, in a Manner, I hope, at once full and satisfactory.

Your first Query relates to a private Circumstance of the late King, which neither you nor I can be supposed to be acquainted with. I do, however, presume it probable that the late King may have had such a Design, it being so evidently calculated for general Utility.

Your second Query conveys an Insinuation which is not true. The Design of building a Palace for the Governour was schemed by some Gentlemen of the Assembly, who proposed, by this Means, to fix the Seat of Government in a Town convenient for the whole Province; as many Members were often greatly incommoded, by the Necessity of going from one extreme part of the Province to another. This, I am authoritatively assured, was the original Cause of the Erection of the Palace; and I assert it was formed by Gentlemen who were not officially dependent on the Governour, and were not, many of them personal Friends to him. They were Men who would do Honour to any Assembly upon Earth, and whose Characters for Integrity have ever been unimpeached. This, Sir, is enough to destroy your vile Calumny, and these Facts I write with unquestionable Veracity. More upon a mere provincial Concern would be unnecessary, and impertinent; and these circumstances are not given for your satisfaction, but that the Publick may not be prejudiced by your infamous Slander. The other Part of this Query implies a general Doubt about the Integrity of Governour Tryon's Administration. General Invective is none at all; and this I can only answer by affirming that, in my Opinion Governour Tryon always wished, and endeavoured, to promote universal and impartial Justice, and I do not know of one Instance where it was by his Interposition, defeated or eluded. A negative Assertion cannot be proved by positive Testimony; but it becomes you to offer some Proof of the criminal actions which you, with equal Ignorance and Malevolence, impute to Governor Tryon.

Your third Query includes a Fact which we are not to take upon your Suggestion. Such a comprehensive Charge only admits of general Negation, which the united Voice of this Country indignantly offers you. His Excellency is well known to have exercised himself with great Vigour in procuring a faithful inquiry into the Grievances

complained of, and particularly directed the Attorney General to prepare indictments for every accusation which should be presented to him; but so trivial were the Offences of those Officers who were indicted for Extortion that very lenient Fines were imposed. With you this would be a Proof of the Corruption of the Judges: With us, who know better, it evinces the Futility of the obnoxious Grievances. The passing compliment you pay to the Judges, Sheriffs, and Pettifoggers, has perhaps been furnished to you by some of our Renegadoes, from whom you may likewise have received an Account of Governour Tryon's Avarice, Ambition, Injustice, Perjury, Perfidy, and Murder. Forbear, thou rash calumniator! and dare no more to venture upon the hazardous Presumption of Conjecture and Surmise. Be well assured of all Facts you communicate to the Publick, and do not again oblige me to silence thee into Confusion.

The Trial of an able and generous Planter by a Court Martial, and inflicting a Hundred Lashes upon him for refusing to take Arms against his Brethren, is a Fact we know nothing of. A man, indeed, who voluntarily enlisted himself in the Body of Men which the Governour raised, with the professed Intention of reducing the Regulators to Obedience, peaceably, or by Force of Arms, did receive military discipline, to which he was legally sentenced, for endeavoring to seduce the soldiers from their Duty, and openly approving the Conduct of the Regulators. Was not this necessary? Who will condemn it but Leonidas? And it was more peculiarly necessary in that Case, as there were many secret Regulators in every Part of the Province, who only wore a Disguise till they should see which was the safest Side to adhere to. If it be asked how came such a general Principle of Licentiousness. I answer it is natural to a People whose Circumstances are mean, and whose Condition is poor, when they can hope for Advantage from publick Calamity. A few busy Spirits in the back Parts of this Province infatuated the poor People there with groundless Suggestions and flattering Promises, and the Contagion spread through every Part of the Country. Most Men, who have no Principle are inclined to suspect the Integrity of Persons above them, and Insinuations to their Prejudice easily gained Ground. A Lie is soon propagated among People disposed to believe it, till general Report gives it current Credit, and it then becomes almost impossible to remove the Evil

it occasions. However, so far was the Insolence of the Regulators arrived that it became absolutely necessary for the Legislature to provide an effectual Remedy. Large Bodies of Men assembling to commit Acts of Depredation on Private Property, and threatening even the Government itself, must either receive a timely and severe Check, or they will soon destroy the Government which is intimidated by them. Under the Strength of this Necessity, it was thought proper by the last Assembly to enact a Riot Act, similar to the One in England, but to be in Force only one Year, which might either operate its Effect in terrorem, or arm the Government with Power sufficient to guard against publick Violence. With this View it was enacted that if any Persons, to the Number of ten or more, should assemble together in a tumultuous Manner, and not disperse within an Hour after a Proclamation to that Purpose was read by the Sheriff of the County, or a Justice of Peace, that they should be deemed guilty of Felony; and that it should be lawful for such Sheriff or Justice, and all Persons aiding and assisting, to seize, apprehend, or disperse, such Persons so remaining; and that if any were wounded or killed in Consequence, the Officer should be free from all Prosecution on that Account; and Persons found in Arms opposing the Forces of the Province, it was declared by the Law, should be deemed Traitors. Such is the Substance of the Act, in Consequence of which the Governour, after having offered as Term of Accommodation that they should surrender the Persons outlawed, lay down their Arms, and take the Oath of Allegiance, which they insolently refused to do, sent the Sheriff of the County to read the Proclamation, and assured them that if they did not disperse within an Hour, as the Act required of them, he would fire at the Expiration of it. He accordingly kept his Word, and sent his Aid de Camp to acquaint them the Hour was elapsed, and he should immediately fire. How different is this Account from yours, wherein you charge the Governour, in your fifth Query, with opening on a People with a full Discharge of Artillery while under the sacred Bond of a Treaty, the Observance of which might have been expected even from a Saracen. A Regard to Truth might have been expected even from a Saracen, and how dare you thus to deceive the Publick with Lies, which the confronting Testimony of Thousands can contradict. It is foreign to my present Purpose to enter upon a formal



Vindication of the Governour's Method of suppressing these Regulators, although I must, and do think, the Necessity fully justified; and the Success has happily sanctified it. The Means were undoubtedly melancholy, but the Consequences of declining them might have been more so. A Province thrown into Confusion by the Intimidations of a real Parcel of Banditti were Part, but not all, of the Mischiefs thus avoided. But, Sir, the Method, as adopted, could not have been more honourably pursued; and, in every Part of his Conduct on that Occasion, Governour Tryon never departed from the Mildness of a Gentlemen, and the Firmness of a Man of Honour. You know, Leonidas, will stand convicted upon Record of two Crimes, the most detestable in human Nature, a Disregard to Truth, and a Total Want of Principle; otherwise you would have not grounded a real Character upon ideal Facts, or falsified real Ones so as to make them alter their Complexion. And now, Sir, with Respect to your sixth and last Query, I leave the Answer with yourself, or with those who ever exclusively applied the Term Loyalists to Extortioners, Traitors, Robbers, and Murderers. We have no such Loyalists with us, and therefore, we are not effected by the Query. This letter is given to you, Leonidas, upon the Faith and Honour of a Gentleman, by

PHOCION.\*

NORTH CAROLINA {  
Aug. 7, 1771.

## HERMAN HUSBAND IN WILMINGTON

"NEWBERN, August 23.

"SINCE our last arrived in Cape Lookout Bay, in a distressed Condition, a Spanish Snow, having on Board the Crews of two Register Ships, which were cast away on the Bahama Banks, on their Passage from the Havannah to Old Spain. They have saved all the Money that was in the Register Ships (an immense Sum) which the Snow has now on Board. There are a Hundred and eighty Spaniards on Board, with four English Prisoners, who were taken in the illicit Trade on the Spanish Coast. They are in want of all kinds of Provisions, which they pay very liberally for.

\* *Virginia Gazette*, September 17, 1771.

By a Vessel in a short Passage from Philadelphia we have a certain Account that Herman Husband is now at Wilmington, a little Town just below Philadelphia, goes much in public, and is highly caressed by a Multitude, who he every Day entertains with the tragical Story of Governour Tryon's Massacre of his Brethren in Iniquity in North Carolina, and is undoubtedly the Author of the many extraordinary Publications we find in the Pennsylvania Journal. It should seem exceedingly unaccountable that a Person of Herman Husbands Address and Penetration should be able to induce such a Number of People, whom we find espousing his Cause, to believe that the Governour of this Province, Chief of his Majesty's Council, near forty Members of the Assembly, and a very considerable Number of Gentlemen of the first Fortunes and Families in this Province, who were in Battle of Alamance, should all be corrupted, all in League to harrass and oppress a Set of harmless industrious Men, who were striving hard against the Iron Hand of Oppression! The Doctrine is absurd, and ridiculous. The least Reflection must compel a Belief that Something was wrong, Something amiss among these People; especially when among the Provincial Laws of the Province, published by Authority, are to be found Acts for redressing and removing every Grievance that could possibly have an Existence among them.

September 6. The Spanish Snow, mentioned in this Paper to be arrived in Cape Lookout Bay, is sailed for Spain, having left behind about a Hundred Spaniards, some of whom are gone to Virginia, and others go from hence in a Brig directly to Cadiz, Stephen Williams Commander. The only person of Distinction among them, who is a Brigadier General, sails this Day in a Vessel for Philadelphia, and intends making the Tour of the Continent. He has with him twenty Thousand Dollars."<sup>3</sup>

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<sup>3</sup> *Virginia Gazette*, September 26, 1771.

## LETTER TO GOVERNOR TRYON WRITTEN TO ENLIGHTEN THE CITIZENS OF NEW YORK.

To Mess. PURDIE &amp; DIXON.

NORTH CAROLINA, OCTOBER, 1771

“GENTLEMEN,

YOUR immediate Publication of the enclosed in your Gazette will greatly oblige your Readers in this Province, if in no other, and your Friend and humble Servant.

ATTICUS.

To his Excellency WILLIAM TRYON, Esquire.

SIR,

I am too well acquainted with your Character to suppose you can bear to be told of your Faults and Temper. You are too much of the Soldier, and too little of the Philosopher, for Reprehension. With this Opinion of your Excellency, I have more Reason to believe that this Letter will be serviceable to the Province of New York than useful or entertaining to its Governor. The Beginning of your Administration in this Province was marked with Oppression, and Distress to its Inhabitants. These, Sir, I do not place to your Account; they derived from higher Authority than yours. You were, however, a dull, yet willing Instrument, in the Hands of the British Ministry, to promote the Means of both. You called together some of the principal Inhabitants of your Neighbourhood, and in a Strange inverted self-affecting Speech told them that you had left your native Country, Friends, and Connections, and had taken upon yourself the Government of North Carolina with no other View than to serve it. In the next breath, Sir, you advised them to submit to the Stamp Act, and to become Slaves. How could you reconcile such baneful Advice with such friendly Possessions? But, Sir, Self Contradictions with you have not been confined to words only; they have been equally extended to Actions. On other Occasions, you have played the Governour with an Air of greater Dignity and Importance than any of your Predecessors; on this, your Excellency was mienly content to solicit the Currency of stamped Paper in Private Companies. But, alas! ministerial Approbation is the first Wish of your Heart; it is the best Security you have for your

Office. Engaged as you were in this disgraceful Negotiation, the more import Duties of the Governour were forgotten, or wilfully Neglected. In murmuring Discontent, and public Confusion, you left the Colony committed to your Care, for near eighteen Months together, without calling an Assembly. The Stamp Act repealed, you called One; a fatal One it was! Under every Influence your Character afforded you, at this Assembly was laid the Foundation of all the Mischief which has since befallen this unhappy Province. A Grant was made to the Crown of five Thousand Pounds, to erect a House for the Residence of a Governour; and you, Sir, were solely entrusted with the Management of it. The Infant and Impoverished State of this Country could not afford to make such a Grant, and it was your Duty to have been acquainted with the Circumstances of the Colony you governed. This Trust proved equally fatal to the Interest of the Province and to your Excellency's Honour. You made use of it, Sir, to gratify your Vanity at the Expense of both. It at once afforded you an Opportunity of leaving an elegant Monument of your Taste in Building behind you, and giving the Ministry an Instance of your great Influence and Address in your new Government. You, therefore, regardless of every moral as well as legal obligation, changed the Plan of a Province House for that of a Palace, worthy the Residence of a Prince of the Blood, and augmented the expense to fifteen Thousand Pounds. Here, Sir, you betrayed your Trust, disgracefully to the Governour, and dishonourably to the Man. This liberal and ingenious Stroke in Politicks may, for all I know, have promoted you to the Government of New York. Promotions may have been the Reward of such Sort of Merit. Be this as it will, you reduced the next Assembly you met to the unjust Alternative of granting ten Thousand Pounds more or sinking the five Thousand they had already granted. They chose the former. It was most pleasing to the Governour, but directly contrary to the Sense of their Constituents. This publick Imposition upon a People, who, from Poverty, were hardly able to pay the necessary Expenses of Government, occasioned general Discontent, which your Excellency, with wonderful Address, improved into a Civil War.

In a Colony without Money, and among a People almost desperate with Distress, publick Profusion should have been carefully avoided; but, unfortunately for the Country, you were bred a Soldier, and



have a natural as well as acquired Fondness for military Parade. You were entrusted to run a Cherokee Boundary about ninety Miles in Length; this little Service at once afforded you an Opportunity of exercising your military Talents, and making a splendid Exhibition of yourself to the Indians. To a Gentleman of your Excellency's Turn of Mind, this was no unpleasing Prospect; you marched to perform it, in a Time of profound Peace, at the Head of a Company of Militia, in all the Pomp of War, and returned with the honourable Title conferred on you by the Cherokees, of GREAT WOLF of NORTH CAROLINA. This Line of marked Trees, and your Excellency's prophetick Title, cost the Province a greater Sum than two pence a Head on all the Taxable Persons in it for one Year would pay.

Your next Expedition, Sir, was a more important One. Four or five Hundred ignorant People who called themselves Regulators took it into their Head to quarrel with their Representative, a Gentleman particularly honoured with your Excellency's Esteem. They foolishly charged him with every Distress they felt; and, in Revenge, shot two or three Musket Balls through his house. They at the same Time rescued a Horse which had been seized for the Public Tax. These crimes were punishable in the Courts of Law, and at that Time the Criminals were amenable to the legal process. Your Excellency, and your Confidential Friends, it seems were of a different Opinion. All your Duty could possibly require of you on this Occasion, if it required any Thing at all, was to direct a Prosecution against the Offenders. You should have carefully avoided becoming a Party in the Dispute. But, Sir, your genius could not lie still; you enlisted yourself a volunteer in this Service; and entered into a Negotiation with the Regulators, which at once, disgraced you and encouraged them. They despised the Governour who had degraded his own Character by taking Part in a private Quarrel, and insulted the Man who they considered as personally their Enemy. The terms of Accommodation your Excellency had offered them were treated with Content. What they were I never knew; they could not have related to publick Offenses; these belong to another Jurisdiction. All Hope of settling the mighty Contest by Treaty ceasing, you prepared to decide it by Means more agreeable to your martial Disposition, and Appeal to the Sword. You took the Field in September

1768 at the Head of ten or Twelve Hundred Men, and published an oral Manifesto, the substance of which was, that you had taken up Arms to protect the Superior Court of Justice from Insult. Permit me here to ask you, Sir, why you were apprehensive for the Court? Was the Court apprehensive for itself? Did the Judges, or the Attorney General, address your Excellency for Protection? So far from it, Sir, if these Gentlemen are to be believed, they never entertained the least Suspicion of any Insult, unless it was that which they afterwards experienced from the undue Influence you offered to extend to them, and the military Display of Drums, Colours, and Guards, with which they were surrounded and disturbed. How fully had your Conduct, on a like Occasion since, testified that you acted in this Instance from Passion, and not from Principle! In September 1770 the Regulators forcibly obstructed the Proceedings of Hillsborough Superior Court, obliged the Officers to leave it, and blotted out the Records. A little before the next Term, when their Contempt of Court was sufficiently proved, you wrote an insolent Letter to the Judges, and Attorney General, commanding them to attend it. Why did you not protect the Court at this Time? You will blush at the Answer, Sir. The Conduct of the Regulators at the preceding Term made it more than probable that those Gentlemen would be insulted at this, and you were not unwilling to sacrifice them to increase the guilt of your Enemies.

Your Excellency said that you had armed to protect a Court. Had you said to revenge the Insult you and your Friends had received, it would have been more generally credited in this Country. The Men for the Trial of whom the Court was thus extravagantly protected, of their own Accord squeezed through a Crowd of Soldiers, and surrendered themselves, as they were bound to do by their Recognizance.

Some of these People were convicted, fined, and imprisoned, which put an End to a Peace of Knight Errantry equally aggravating to the Populace and burthensome to the Country. On this Occasion, Sir, you were alike successful in the diffusion of a military Spirit through the Colony and in the warlike Exhibition you set before the Publick; you at once disposed the Vulgar to Hostilities, and proved the Legality of arming, in Cases of Dispute, by Example. Thus warranted by Precedent, and tempered by Sympathy, popular Dis-

content soon became Resentment and Opposition; Revenge superceded Justice, and Force the Laws of the Country; Courts of Law were treated with Contempt, and Government itself set at Defiance. For upwards of two Months was the Frontier Part of the Country left in a State of perfect Anarchy. Your Excellency then thought fit to consult the Representatives of the People, who presented you a Bill which you passed into a Law. The Design of this Act was to punish past Riots in a new Jurisdiction, to create new Offenses, and to secure the Collection of the publick Tax; which, ever since the Province had been saddled with a Palace, the Regulators had refused to pay. The Jurisdiction of holding Pleas of all Capital Offenses was, by a former Law, confined to the particular district in which they were committed. This Act did not change that Jurisdiction; yet your Excellency, in the Fullness of your Power, established a new One for the Trial of such crimes in a different District. Whether you did this through Ignorance or Design can only be determined in your own Breast; it was equally violative of a sacred Right, every British Subject is entitled to, of being tried by his neighbours, and a positive Law of the Province you yourself had ratified. In this foreign Jurisdiction, Bills of Indictment were preferred, and found, as well for Felonies as Riots against a number of Regulators; they refused to surrender themselves within the Time limited by the Riot Act, and your Excellency opened your third Campaign. These Indictments charged the Crimes to have been committed in Orange County in a distant District from that in which the Court was held. The Superior Court Law prohibits Prosecution for Capital Offenses in any other District than that in which they were committed. What Distinctions the Gentlemen of the Long Robe might make on such an Occasion I do not know, but it appears to me those Indictments might as well have been found in your Excellency's Kitchen; and give me Leave to tell you, Sir, that a Man is not bound to answer to a Charge that a Court has no Authority to make, nor doth the Law punish a Neglect to perform that which it does not command. The Riot Act declared those only outlawed who refused to answer to Indictments legally found. Those who have been capitally charged were illegally indicted, and could not be Outlaws; yet your Excellency proceeded against them as such. I mean to expose your Blunders, Sir, not to defend their Conduct;

that was as insolent and daring as the desperate State your Administration had reduced them to could possibly occasion. I am willing to give you full Credit for every service you have rendered this Country. Your active and gallant Behaviour, in extinguishing the Flame you yourself had kindled, does you great Honour. For once your military Talents were useful to the Province; you bravely met in the Field, and vanquished, an Host of Scoundrels whom you had made intrepid by abuse. It seems difficult to determine, Sir, whether your Excellency is more to be admired for your Skill in creating the Cause, or your Bravery in suppressing the Effect. This single Action would have blotted out, forever, Half the Evils of your Administration; but alas, Sir! the Conduct of the General after his Victory was more disgraceful to the Hero who obtained it than that of the Man before it had been to the Governor. Why did you stain so great an Action with the Blood of a Prisoner who was in a State of Insanity? The Execution of James Few was inhuman; that miserable Wretch was entitled to Life till Nature, or the Laws of his Country, deprived him of it. The Battle of the Alamance was over; the Soldier was crowned with Success, and the Peace of the Province restored. There was no Necessity for the infamous Example of an arbitrary Execution, without Judge or Jury. I can freely forgive you, Sir, for killing Robert Thompson at the beginning of the Battle; he was your Prisoner, and was making his Escape to fight against you. The Laws of Self Preservation sanctified the Action, and justly entitle your Excellency to an Act of Indemnity.

The Sacrifice of Few, under all its criminal Circumstances, could neither atone for his Crime nor abate your Rage; this Task was reserved for his unhappy Parents. Your Vengeance, Sir, in this Instance, it seems moved in a retrograde Direction to that proposed in the second Commandment against Idolatry; you visited the Sins of the Child upon the Father, and, for Want of the third and fourth Generation to extend it to, collaterally divided it between Brothers and Sisters. The heavy Affliction with which the untimely Death of a Son had burthened his Parents was sufficient to have cooled the Resentment of any Man whose Heart was susceptible of the Feelings of Humanity; yours, I am afraid, is not a Heart of that Kind? If it is, why did you add to the Distress of that Family? Why refuse the Petition of the Town of Hillsborough in Favor of them, and



unrelentingly destroy, as far as you could, the Means of their future Existence? It was cruel, Sir, and unworthy a Soldier.

Your Conduct to others after your Success, whether it respected Person or Property, was as lawless as it was unnecessarily expensive to the Colony. When your Excellency had exemplified the Power of Government in the Death of a Hundred Regulators, the Survivors, to a Man, became Proselytes to Government; they readily swallowed your new coined Oath, to be obedient to the Laws of the Province, and to pay the publick Taxes. It is a Pity, Sir, that in devising this Oath you had not attended to the Morals of those People. You might easily have restrained every criminal Inclination, and have made them good Men, as well as good Subjects. The Battle of the Alamance had equally disposed them to moral and political conversion; there was no Necessity, Sir, when the People were reduced to Obedience, to ravage the Country, or to insult Individuals.

Had your Excellency No thing else in View than to enforce a Submission to the Laws of the Country, you might safely have disbanded the Army within ten Days after your Victory; in that Time the Chiefs of the Regulators were run away, and their deluded followers had returned to their homes. Such a Measure would have saved the Province twenty Thousand Pounds at least. But, Sir, you had farther employment for the Army; you were, by an extraordinary Bustle in administering Oaths, and disarming the Country, to give a serious Appearance of Rebellion to the Outrages of a Mob; you were to aggravate the Importance of your own Services by changing a general Dislike of your Administration into Disaffection to his Majesty's Person and Government, and the riotous Conduct that Dislike had occasioned into premeditated Rebellion. This Scheme, Sir, is really an ingenious One; if it succeeds, you may possibly be rewarded for your Services with the Honour of Knighthood.

From the 16th of May to the 16th of June you were busied in securing the Allegiance of Rioters, and levying Contributions of Beef and Flower. You occasionally amused yourself with burning a few Houses, treading down Corn, insulting the Suspected, and holding Courts Martial. Those Courts took Cognizance of Civil as well as military offenses, and even extended their Jurisdiction to ill Breeding and want of good Manners. One Johnston, who was a reputed Regulator, but whose greatest Crime, I believe, was writing an im-

puident Letter to your Lady, was sentenced, in one of these military Courts, to receive five Hundred Lashes, and received two Hundred and fifty of them accordingly. But, Sir, however exceptionable your Conduct may have been on this Occasion, it bears little Proportion to that which you adopted in the Trial of the Prisoners you had taken. These miserable Wretches were to be tried for a Crime Capital by a temporary Act of Assembly, of twelve Months Duration. That Act had, in great Tenderness to his Majesty's Subjects, converted Riots into Treasons. A rigorous and punctual Execution of it was as unjust, as it was politically unnecessary. The Terror of the Examples now proposed to be made under it was to expire, with the Law, in less than nine Months after. The Sufferings of these People could therefore amount to little more than mere Punishment to themselves. Their Offenses were derived from Publick and from private Impositions; and they were the Followers, not the Leaders, in the Crimes they had committed. Never were Criminals more justly entitled to every Lenity the Law could afford them; but, Sir, no Consideration could abate your Zeal in a Cause you had transferred from yourself to your Sovereign. You shamefully exerted every Influence of your Character against the Lives of these People. As soon as you were told that an Indulgence of one Day had been granted by the Court to two Men to send for Witnesses, who actually established their Innocence, and saved their Lives, you sent an Aid de Camp to the Judges, and Attorney General, to acquaint them that you were dissatisfied with the Inactivity of their Conduct, and threatened to represent them unfavorably to represent them in England if they did not proceed with more Spirit and Despatch. Had the Court submitted to Influence, all Testimony, on the Part of the Prisoners, would have been excluded; they must have been condemned, to a Man. You said that your Solitude for the Condemnation of these People arose from your Desire of manifesting the Lenity of Government, in their Pardon. How have your Actions contradicted your Words! Out of twelve that were condemned, the Lives of six only were spared. Do you know, Sir, that your Lenity on this Occasion was less than that of the bloody Jeffries in 1685? He condemned five hundred Persons, but saved the lives of two Hundred and seventy.

In the Execution of the six devoted Offenders, your Excellency was as short of General Kirk in Form as you were of Judge Jeffries in Lenity. That General honoured the Execution he had the Charge of with Play and Pipes, Sound of Trumpets, and Beat of Drums; you were content with silent Display of Colours only. The disgraceful Part you acted in this Ceremony, of pointing out the Spot for erecting the Gallows, and clearing the Field around for drawing up the Army in Form, has left a ridiculous Idea of your Character behind you, which bears a strong Resemblance to that of a busy Undertaker at a Funeral. This Scene closed your Excellency's Administration in this Country, to the great Joy of every Man in it, a few of your own contemptible Tools only excepted.

Were I personally your Excellency's Enemy, would follow you into the Shade of Life, and show you equally the Object of Pity and Contempt to the Wise and Serious, and of Jest and Ridicule, to the Ludicrous and Sarcastick. Truly pitable, Sir, is the pale and trembling Impatience of your Temper. No Character, however distinguished for Wisdom and Virtue, can sanctify the least Degree of Contradiction to your political Opinions. On such Occasions, Sir, in a Rage, you renounce the Character of a Gentleman, and precipitately mark the most exalted Merit with every Disgrace the haughty Insolence of a Governor can inflict upon it. To this unhappy Temper, Sir, may be ascribed most of the Absurdities of your Administration in this Country. It deprived you of every Assistance Men of Spirit and Abilities could have given you, and left you, with all your Passions and Inexperience about you, to blunder through the Duties of your Office, supported and approved by the most profound Ignorance and abject Servility.

Your Pride has as often exposed you to Ridicule as the rude Petulance of your Disposition has to Contempt. Your Solitude about the Title of HER EXCELLENCY for Mrs. Tryon, and the arrogant reception you gave to a respectable Company at an Entertainment of your own making, seated with your Lady by your Side on Elbow Chairs, in the Middle of a Ball Room, bespeak a Little-ness of Mind, which, believe me, Sir, when blended with the Dignity and Importance of your Office, render you truly ridiculous.

High Stations have often proved fatal to those who have been promoted to them; yours, Sir, has proved so to you. Had you been con-

tented to pass through Life in a subordinate military Character, with the private Virtues you have, you might have lived serviceable to your Country, and reputable to yourself; but, Sir, when, with every disqualifying Circumstance, you took upon you the Government of a Province, though you gratified your Ambition, you made a Sacrifice of yourself.

Your's &c.

ATTICUS."<sup>4</sup>

## ARTICLE IN DEFENSE OF GOVERNOR TRYON

"To ARISTIDES

"SIR,

I have just read your long Address to me, which contains many Particulars that I am not obliged, in Consequence of my former publication, to take Notice of. I by no means intended to enter at large into the Subject of our Disputers, but took up my Pen merely to vindicate a Character which was to me respectable in many Instances where it had been egregiously misrepresented. I flatter myself my Letter has had its desired Effect, since I do not find any of the Facts mentioned in it seriously drawn into Question. It is to me, Sir, of very little Consequence what such a Man as Husband can suggest, since his Conduct has been so treacherous and deceitful, even with his own Party, that his name is execrated by them, and his Memory held in as much Derision as is compatible with the most fixed Presentment. You are not to expect that scattering Insinuations will be formerly refuted; these, when depending simply upon Opinion, had better be left to the several Sentiments of Individuals.

I have read the Newbern Paper you allude to; but it was only cursorily, and I have it not at Hand to re-peruse. I do not recollect how that Fact is there mentioned, but believe it was as I have stated it.

What do you mean by calling Colonel Tryon the Head of a Party? This is a most invidious Imputation, unless you intend it by Way of Contradiction to his not being the Head of the regulating Party. Thank God, he was not, but spiritedly held the Reins of Government and defied their miscreant Attempts. His Conduct has given Security

<sup>4</sup> *Virginia Gazette*, November, 1771.



to our Persons, Lives, and Properties, which were all brought into the most imminent Danger. The malevolent Controul which the Regulators had of every Thing in the back Country, together with their constant Assurance of still greater Desperation, justly alarmed the whole Province, and instantly suggested the Necessity of Self Defence. This was the immediate and the necessary Cause of the Governour's adopting the decisive Methods he carried into Execution. I am far, Sir, from exulting with barbarous Inhumanity in its Success; I reflect with much Concern on the incidental Evils of it, but am thoroughly convinced it was a necessary Act, and do say its Success has made it a happy One. The Situation of our Country now admits of milder and more agreeable Counsels; most of the unhappy Offenders are in the peaceable Possession of their Farms, and in the Prosecution of their domestick Duties. The Memory, and, as far as possible, the Consequences, of the late Feuds, we are endeavouring to abolish, and do not thank any Man for attempting to revive them.

Your Letter, Sir, Consists of many Queries, which I have neither Leisure, nor do I think it material to answer. Those that appear to me I will endeavour to satisfy as I go along. That there were many great and unwarrantable Fees taken I do not doubt, but deny that the Evil was so general as it has been represented. There were Laws in Being for the Regulation of Fees sufficient to expose the offending Party to Punishment, or at least to correct Extortion. The Lawyers indeed were not restricted with a Penalty, as they now are; but the chief Ground of Complaint was the exaction of the Clerks, whose Fees were stated by Law, and who incurred a Penalty if they required more. The Costs of a Suit do not depend upon the Sum of its Demand; so that if the Parties consent to, or connive at long Continuances, the Costs may perhaps, in Time, exceed the Debt. But for this, surely the Officers are not in Fault. The principal Object of popular Clamour was Colonel Fanning, whom it was determined to prosecute with unrelenting Rigour. He had procured the Office of Register for himself, in Order that he might Save a considerable Expense in the Registration of Deeds, which he frequently had Occasion to receive, in Consequence of many Purchases. This I do believe was his express Motive and he gave up all the Profits of it to a Clerk who did the Business. Many Persons con-

ceived that more Fees were taken in this Office than the Law allowed, and many Grievances of this Kind were the Subjects of several Indictments. The Judges being of Opinion that there was a great Obscurity in the Law, which might seem to warrant the usually received Fees, imputed his Conduct to an Errour in Judgment, and consequently imposed a small Fine. It still remains to be inquired whether they acted uprightly. You and I may differ in Opinion about it, but can neither of us form a direct Judgment without a Knowledge of the Facts produced upon the Trial. In the mean Time, the Presumption is in Favour of that Integrity and Uncorruptness which is expected in the Character of a Judge, who is, independent of the Principles of Honour, under the Sanction of an Oath. The Freedom with which you treat an amiable Character is highly censurable, since the heavy Accusation which you more than insinuate ought to have a surer and more stable Foundation than circulating Reports and wild conjectures. The Reputation of a Judge, any more than the Chastity of a Woman, should not even be suspected. You ask whether the Chief Justice's Fees were not connected with the Clerk? They had no other Connection but being inserted in the same Bill of Costs, and there they had a separate Column. Their Fees were both stated and distinct, and had no necessary Participation. The present Establishment of a Chief Justice is by a Salary, without any Fees whatever.

A Report of Grievances, which had occasioned so many violent Seditions in the back Country, was sufficient to excite the Governor's Attention, and he assured the Complainants they should have every Assistance of the Law. They consequently there sought Remedies for Grievances which appeared to be slight upon a real inquiry, and therefore were so treated. They alleged many others, which nearly affected the Constitution and Policy of the Country. These could not be redressed by the ordinary Courts of Justice, but it has since been known that the Supposition of them was founded upon false Reports, calculated to mislead and abuse them. And however improbable, or inconsistent with Experience, it may appear to you, it is in Reality Nothing extraordinary that Lies reported with Con-

fidence, among Men credulous and attached to each other, and at a distance from any Means of better Information, should carry all the Appearance, and answer all the Purposes, of Facts. It was not from a Sense of Present Oppression, but from an Idea of past Misapplication of the publick Revenue, that their Seditions first took Rise. This was a capital Evil with them, and yet it has been found chimerical. An Unwillingness to pay Taxes, and a Spirit of Licentiousness where they thought to have absolute Controul, were perhaps the real Causes of them. These Motives stipulated the Leaders of their Mischief, and the others suggested a Pretence for it, and served as a Snare to draw in deluded Men.

I have the most undoubted Authority for asserting that the Governor did not fire until the Hour was elapsed, and that only one Hour was given. I hope, Sir, this will satisfy you, although common Assertion in Newspapers are, as to Credibility, upon a Footing, when under the Hands of anonymous Writers. But the Mention of a Circumstance is one Thing and the making it a Ground of direct and malicious Charge is another; and a Man who is deliberately guilty of it does deserve severe Reflection.

The Acts of the last Session, which you so disrespectfully mention, were extorted by a Necessity, and appeared the only adequate Remedies to the then pregnant Evils which existed. It is but Justice to the Gentleman who introduced the Riot Act to say, his Humanity, Judgment and Integrity, are to every Man respectable, and that he is not capable of an Action where either may with Propriety be questioned.

I have endeavoured, Sir, to reply to the inquiring Part of your Letter, and have satisfied you to the best of my ability. We are not completely informed upon every Point which may appear doubtful, neither have we heard perhaps of every Grievance which may have been sustained. They certainly were not really such as to justify the violent Measures taken to redress them. The Persons said to be most affected by them think so too, and all Parties wish to bury past Scenes in Oblivion. We think of the past with Concern, and look forward to the future with Hope. I most cordially join in the gen-

eral Sentiment, and, if I know any Thing of my own heart, have none of those Party Passions you suppose me to possess. My Principles are entirely independent, and as favourable, as indulgent, to Liberty, as is consistent with a regular Government, which is the only certain Assurance of social Happiness. I abhor all Restrictions that have any other Tendency than the publick Good, and breathe Benevolence to all Mankind. This, Sir, is the Chaplet of my Flowers of Rhetorick which I present to you, whose Address is written with Candour and with a Degree of good Sense which I am sorry to see so easily susceptible to Prejudice. The virulent Scurrility of Leonidas deserved much severer Animadversion that he received from me.

PHOCION.”<sup>5</sup>

EDENTON, North Carolina,  
November 19, 1771.

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<sup>5</sup> *Virginia Gazette*, December 5, 1771.



## BOOK REVIEWS

THE PLANTATION OVERSEER. By John Spencer Bassett. Smith College Fiftieth Anniversary Publications, V. 5. (The Southworth Press, Portland, Maine, 1925, pp. 280.)

From the correspondence of James Knox Polk, preserved in the Library of Congress, Washington, D. C., the author has selected and edited nearly two hundred letters written for the most part by overseers employed by Polk on his plantations in Tennessee and Mississippi. Only a few of the letters relate to Polk's plantation in Fayette County, Tennessee; the bulk of them are concerned with plantation affairs in Mississippi, and cover the period from 1835 to 1858. These letters, together with three preliminary and one concluding chapter by the author, constitute a valuable commentary on the plantation regime in the cotton-growing districts of the Lower South in the antebellum period. Primarily, the letters and comments are intended to reveal the overseer as the pivotal figure on plantations where the proprietor was an absentee. Incidentally, however, they throw an abundance of light on the actual conduct of plantation affairs as viewed by a series of overseers.

It appears that in 1833 and 1834 James K. Polk and Dr. Silas M. Caldwell purchased considerable tracts of land in Yalabusha County, Mississippi, with the object of conducting thereon a cotton plantation as a purely commercial venture. The land was virgin; and hence the work of clearing land, building cabins, and stocking the plantation with animals, tools, and negroes entailed considerable expense. The Mississippi establishment was at first a disappointment to its proprietors, a circumstance which led Dr. Caldwell in 1836 to sell his share in the enterprise to Polk. James K. Polk was thereafter the sole owner (except during a brief period in 1839, when he admitted his brother William to a one-fourth share); and upon his death in 1849, the plantation passed into the hands of his widow, who conducted it with a reasonable measure of success until she sold it to James M. Avant in 1860.

By 1840 the establishment in Mississippi was yielding a fair return to its owner. Cotton was the leading staple, but corn and hogs were raised in quantities sufficient for the ordinary needs of the

plantation. The negroes transferred from Fayette County, Tennessee, to Yalabusha County, Mississippi, appear to have been acclimated without any serious inconvenience; and, for the most part, the slaves remained tractable in their new environment. There were a few chronic runaways among the slaves in whom the spirit of insubordination was irrepressible, but their defection never spread to the large group of workers.

The overseers were anything but picturesque figures on the plantation. They led strenuous lives—these unlettered, unimaginative men. Although they were unlettered and somewhat crude, the author points out that they were by no means ignorant. As a class, they possessed sound common sense, managerial ability, and a knowledge of “cropping” and the care of slaves. Always jealous of their authority, overseers resented any interference on the part of outsiders with the slaves entrusted to their care. They were constantly beset by difficulties, yet ever hopeful and always ready to attack old problems from new angles. In the autumn a short crop would bring discouragement, but the advent of the new year would bring renewed hope, new plans, and high resolves. John A. Mairs, writing to his employer, Mrs. James K. Polk, Jan. 15, 1858, said: “I am nough Preparing the land and fixing for a crop I am in hopes we will be more fortunate this year.” As usual, his hopes were blasted. The author in Chapter I elicits our sympathy for the man who stood as “the symbol of slavery”—a sort of social pariah. Occupying a position in society between that of the slaves who, as a rule, detested him, and of the master, who moved in a social circle to which he could not hope to rise, the overseer was indeed socially handicapped. Some of the overseers aspired to own land and slaves—a goal which they sometimes realized; others, like the class of “poor whites” to which they belonged, usually lived “from hand to mouth” and “saw no further into the future than the contentment that came from doing well the task of the year.”

The overseer fully understood that he was expecting to make money for his employer. Failure to control the slaves or to make a good crop frequently resulted in dismissal. Fortunate was the overseer who could hold a position for more than three years. The letters written by Polk's overseers show that they were ever ready to excuse their shortcomings—crop failures could be and were attributed to droughts,

untimely frosts, insects, and sickness among the slaves. Again, crop shortages were sometimes attributed to neglect on the part of the proprietor to supply an adequate number of hands during the rush seasons. Other matters to which frequent reference was made in the letters were the health of the stock and slaves, runaways, prices, marketing facilities, the supply of meat and corn, and births and deaths among the slaves.

The author's assertion (p. 6) that "two generations were enough to bleach out of the family all traces of overseer taint" may be questioned; unless, perchance, as is suggested, the son of an overseer removed to a part of the country where the people were not familiar with his antecedents. The occupation of overseer tended to fasten upon a family something of an indelible character. Such was the relentless mandate of the social order of the Old South.

The author says (p. 274) that the overseer's "inherent fault" was that he took "a low idea of slavery." It is possible that the fault was not so much inherent as acquired. It was difficult for a man whose business it was to perpetuate the slave regime to take other than "a low idea of slavery." The environment, training, and experience of an overseer fitted him to regard slaves as burden-bearers to be exploited for the benefit of the owner. Any suggestion on the part of the overseer as to how the lot of slaves could be ameliorated would, in most cases, have been taken with ill grace by the proprietor. Indoctrinating the slaves with moral precepts did not result in the production of more cotton and corn.

Chapter XII, "The Planter and his Commission Merchant," contains much valuable material relative to the business aspects of slavery. The author traces the origin of the commission merchant back to the London merchant, who supplied the colonial planters with merchandise in return for the planters' annual output of tobacco. The New Orleans factor did not, like his London prototype, buy a planter's produce and sell him supplies. Instead of paying for a planter's cotton in supplies of merchandise, the New Orleans factor paid his customers by draft, and thus left the planter free to procure supplies when it was most convenient.

All in all *The Plantation Overseer* is a distinct contribution to the literature of slavery. It should be of value, not only as source material, but also as an informing record of plantation affairs for the general reader.

R. H. TAYLOR.

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STATE RIGHTS IN THE CONFEDERACY. By Frank Lawrence Owsley, Ph.D., Associate Professor of History, Vanderbilt University. (University of Chicago Press. Pages 290. Price \$2.50.)

There is a tradition extant throughout the late Confederacy that our boys back in the sixties wore themselves out whipping the Yankees and were finally overpowered only by overwhelming resources and superior numbers. Countless volumes have been written extolling the heroism of the Confederate soldier and the devotion of the people back home, and in all of these it is generally assumed that if Lee and Jackson had only had a few more men and a few extra days rations the South might have been made safe for slavery and the doctrine of states' rights established forever.

But the truth, according to Dr. Frank Lawrence Owsley, is far different. It was not so much the lack of men and resources that prevented the triumph of states' rights; it was rather the fetish of states' rights—the lack of a strong central government—that prevented the prompt mobilization and most effective disposition of resources and men. As Dr. Owsley puts it, "The Confederacy collapsed more from internal than from external causes and the most disastrous of these internal ailments was the attempt of the Southern people to practice their theory of states' rights during the war."

Dr. Owsley's book, *State Rights in the Confederacy*, is thoroughly documented. For every statement of fact that he makes he cites authority. Letters from Southern commanders, from state governors, from responsible officials in the Confederate administration, are all brought in with telling effect. Dr. Owsley shows that at the beginning of the war the Confederate government had only 190,000 stand of small arms, whereas the state authorities kept 350,000 and refused to give them up. As a result, thousands of volunteers had to be turned away, and the first battles, which might have decided the issue had the Confederacy only mustered its full strength, were fought by an army short of its potential numbers by 200,000 men.



After 1861 there were plenty of arms available, but then the states, instead of pooling all their resources as common sense would have dictated, began organizing "home guards," which finally degenerated into draft-dodging forces, in which way over 100,000 men were lost to actual military service. In Georgia alone, according to Dr. Owsley's evidence, there were more able bodied draft-dodgers in 1864 than that state had furnished to the Confederacy during the whole war. Moreover, Governor Brown lent his moral aid to various forms of skulking. He exempted every imaginable variety of office-holder, including even notaries public, from the Confederate draft, and appointed thousands of petty politicians to commands in the state militia. He went further: he withheld supplies as well as men at various times from the Confederate government. When the Confederate officials protested, he denounced them for interfering with the sacred principle of states' rights . . . Nor was Brown the only governor who withheld supplies and men: most of his brother governors at one time or another did the same thing. As a result, the Confederate government was constantly embarrassed, was never able to mobilize anything like its potential strength, and finally, according to Dr. Owsley, "died of state rights."

CHARLES LEE SNIDER.

DENTON, N. C.

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A HISTORY OF FLORIDA FROM THE TREATY OF 1763 TO OUR OWN TIMES. By Caroline Mays Brevard. Edited by James Alexander Robertson. Volume I. *From the Treaty of 1763 to the Admission to Statehood.* Volume II. *Florida as a State.* [Publications of the Florida State Historical Society, No. IV.] (Deland, Florida, the Society, Vol. I, 1924, pp. xxi, 293. Vol. II, 1925, pp. vii, 307.)

The history of Florida as an American possession is closely connected with North Carolina, from which came many early Florida leaders, such as John H. Eaton and John Branch, two territorial governors, William D. Moseley, the first state governor, and influential planters like Dr. Edward Bradford. It is therefore quite appropriate that the author of the best general history of Florida written up to the present time should be a granddaughter of a North Carolina immigrant, Theodore Washington Brevard. When Miss Caroline Mays Brevard died in 1920 she left in manuscript a three volume history, to which, however, she had not put the finishing

touches. The Florida State Historical Society has published, under the able editorial supervision of Dr. James A. Robertson, the portion of the work covering the period since 1763.

Historians have neglected Florida. Comparatively few research monographs on particular phases of her history have been written, William Watson Davis's *The Civil War and Reconstruction in Florida* and Isaac Joslin Cox's *The West Florida Controversy, 1798-1813*, being probably the best. Even local histories are not plentiful, the most satisfactory being perhaps the recently published T. Frederick Davis's *History of Jacksonville, Florida, and Vicinity*. Under these conditions it is not surprising that the general histories of the state consist chiefly of the school histories and of the bulky commercial tomes in vogue twenty years ago, which often can be called histories by courtesy only.

Those interested in history will turn with relief from the earlier general works to Miss Brevard's two volumes. They are well written and gave a good and accurate account of the development of the state, especially between 1821 and 1876, the period in which her ancestors played a prominent part. The author's personal interest in these times does not appreciably influence her attitude toward historical events, which she narrates in an unprejudiced manner.

If a reviewer wants to criticise adversely a work of this kind, he has usually no difficulty in doing it, since no two persons will ever be able to agree on what to omit and what to include in a general history. However, in the opinion of the present reviewer, the chief defect of the work is the large space devoted to the Seminole and Civil wars, about one-fifth of the two volumes being devoted to accounts of these two conflicts; but it must be admitted that these portions contain some of the most interesting sections of the history. Probably as a corollary to this emphasis on military history, there is a decided weakness in tracing the economic and cultural development of the State. The chapters on "The Banks of the Territory" and "General Progress and Education" were apparently thoroughly revised by the editor. The period since 1876 is completed in less than forty pages, no mention even being made of the agrarian discontent that culminated in the strong Farmers' Alliance movement of the late eighties and early nineties. Whether the fact that this work is largely, although by no means entirely, a political and mili-

tary history, should be considered a defect or not, it must be acknowledged that the author has done as well as could be anticipated, if one remembers that she was badly handicapped by lack of monographic investigations.

Nothing but praise can be bestowed upon the work of the editor. A manuscript with hardly any foot notes or references was handed to him, and he succeeded in most cases in tracing the statements of the author to their sources—a truly difficult task. The appendices and the footnotes by the editor are full of information for the historian. Special mention should be made of the appendix on authorities in each volume. They contain the most comprehensive bibliography on the history of Florida with which the reviewer is acquainted. The index is unusually full and accurate.

A word should be added about the mechanical make-up of the work. Mitchell Kennerley of New York, under whose supervision it was printed, has produced a book that should be a joy to all book-lovers. Only few minor typographical errors have been detected.

JAMES OWEN KNAUSS.

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JOHN SLIDELL. By Louis Martin Sears. Duke University Press, 1925. 252 pp. \$2.50.

John Slidell is one of those characters in history whose claim to fame is based as much on an accidental incident as on any positive contribution to the life of his times. He was a capable lawyer and business man and a successful politician. Service in the United States Congress, in Mexico, as a Presidential negotiator, and later as a maker of a President entitled him to contemporary fame. But posterity only knows him, with his associate, Mason, as the victim of an unintentional publicity brought about by the too great zeal of a Federal naval officer. "As a name he lives, but as little more than that."

After a long training in local State politics, Slidell finally emerged as President Polk's personal envoy to torn and distracted Mexico. We can hardly class him as an "empire-builder," however, for his was a "fruitless embassy," which culminated in war. Secretary of State James Buchanan was undoubtedly the prime mover in the choice of Slidell, "a master in manipulation," in this mission of

"soothing an offended Mexico and winning from her . . . concessions." The mission was hardly "one of the most delicate in the history of American diplomacy," as the United States had nothing to fear if the mission failed and much to gain if it succeeded.

But the mission was "foredoomed to failure." Dr. Sears ascribes the failure of Slidell's mission to the Oregon excitement with England (p. 63), but later says that if he "had had only to deal with leaders uninfluenced by the will of the people" he would have been successful (p. 69). In the then state of literacy existing in Mexico these two statements are hardly compatible. More truly "the unrestrained democracy of 19th century Mexico," acting from hatred of the "gringo" marked for the imperialist Polk administration the path of Manifest Destiny. Slidell would appear only to have been a "burnt offering."

For Slidell as for Buchanan, however, the Mexican mission was hardly "love's labor lost," as it cultivated the plant that in later years was to bear rich fruit. Already Buchanan was a Presidential candidate. At Slidell's advice he had declined a Supreme Court appointment and later accepted a diplomatic assignment and remained abroad avoiding "The political atmosphere (which) is malarious," thus making doubly sure his availability and nomination in 1856. Slidell had broken with Pierce and came to be recognized as "the master spirit in the Buchanan camp." His success indeed marked "the apex of his career." At the same time he was lifted into the Senate and became in some measure, at least, "the power behind the throne." Dr. Sears makes clear neither Slidell's importance in Buchanan's administration, nor the validity of his assertion that Slidell was "The man who divided his party in 1860." With the coming of secession Slidell and Buchanan parted company: Slidell to France on his fruitless mission as a Confederate diplomatist; Buchanan to his home near Lancaster, Pa., there to view the conflict. At the end of the war Slidell remained in France a voluntary expatriate and there died.

In these pages Slidell emerges as a living entity—a shrewd lawyer and a business man, but withal a politician, we had almost said, a scheming and intriguing politician. Charm he undoubtedly had and force of personality, but of greatness, there is hardly a trace. Slidell was only one of the politicians who lived and thrived in the



middle period of American history and it still remains that his essential claim to fame is his association with Mason in the Trent affair.

The author gives no picture of the times, but only a life of Slidell. He has thus individualized Slidell as a person and made more apparent and real his personality and career. It is rather interesting to note that the date of Slidell's death is not given. The bibliography is neither complete nor satisfactory. The Pickett Papers, Miss Mason's *Life and Letters* of her father, and other relevant citations do not appear. The source materials relating to Slidell himself are scant as he is reported to have himself "destroyed as far as possible the records out of which his biography might have been constructed." The *Congressional Record* containing his speeches in Congress, a collection of his correspondence with Buchanan, and his correspondence with James M. Mason, his co-worker in the diplomatic service of the Confederacy, are all the documents worth the name that have been found.

In spite of these handicaps, Dr. Sears has written a concise and trustworthy account of his subject's career. We hope that others will follow with biographies of the lesser Confederate leaders such as Seddon, Howell Cobb, Hood, Bragg, Rhett, and J. E. Brown.

THOMAS ROBSON HAY.

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ANDREW JACKSON'S CAMPAIGN AGAINST THE BRITISH, OR THE MISSISSIPPI TERRITORY IN THE WAR OF 1812. By Mrs. Dunbar Rowland, New York. The Macmillan Company, 1926. pp. 424. Price \$3.50.

The sub-title is "Concerning the Military Operations of the Americans, Creek Indians, British and Spanish, 1813-1815," and the scope of the narrative reaches well to the limit of the sub-title. It is hardly fair, however, to limit the movement to Jackson, for the brunt of the earlier campaigns of the Creek War was borne by Gen. Ferdinand L. Claiborne, in active command of the Mississippi troops, and the fearful massacre at Fort Mims with other important military movements antedated Jackson's entry into the Creek War in the battle of Tallussahatchie, Nov. 3, 1813.

Military operations in the War of 1812, were complicated in the South, particularly in the Mississippi Territory, by the inclusion of

the Indians and Spanish, though the latter were nominally at peace with the United States.

The British with the evident coöperation and support of the Spaniards and the active efforts of Tecumseh, the noted Shawnee chieftain, succeeded in arousing the hostility of the war-like Creek Indians against the Americans. These were finally subdued by General Claiborne with his Mississippi forces and General Jackson with his Tennessee troops. The Spaniards were then punished for their bad faith by Jackson's attack and capture of Pensacola. The American forces were thus made available for the defense of New Orleans, to which point Jackson then moved and won his great battle from the British. These movements are described by Mrs. Rowland with a wealth of detail that forbids any adequate generalization in this notice.

Aside from the detailed record of these military movements through the Indian, British and Spanish campaigns there are personal notes concerning Gen. F. L. Claiborne, Col. Thomas Hinds and Jackson which add to the zest and value of the narrative.

The faithful author has wrought with much industry and labor in assembling so great an array of interesting facts, and the student of our history will find the book a store-house of information agreeably arranged.

THOMAS M. PITTMAN.

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ARREDONDO'S HISTORICAL PROOF OF SPAIN'S TITLE TO GEORGIA. Edited by Herbert E. Bolton, Professor of American History and Director of the Bancroft Library, University of California. University of California Press, Berkeley, California. 1925.

The charters of King Charles the Second to the Proprietors of Carolina were silent concerning settlements already made by the Spanish within the same boundaries. The permanent and effective settlements of the Spanish were able to withstand the encroachments of the English and French, but those in process of establishment were impotent against the more sturdy and vigorous English and a state of warfare was almost continuous until all the controverted territory was absorbed by the United States.

The controversies and strife which grew out of the contending claims to this territory constitute a phase of American history that is now being exploited in various fields. The State of Florida is

giving important attention to Spanish records. The North Carolina Historical Commission has already procured some ten thousand copies of documents from the Spanish archives and is pressing this collection with a vigor that promises to make it a great if not the greatest depository of such records in America. At least four books which have or are receiving notice from this Review have touched upon this situation.

In the present volume Prof. Bolton deals with that phase of the question which relates to Georgia. In collaboration with Miss Mary Ross he presents an introductory discussion of matters relating to the Spanish and English settlements and the controversies connected therewith, entitled "The Debatable Land." This is followed by an English translation and the original Spanish Text of Antonio Arredondo's report and argument in support of the Spanish title.

Arredondo was in 1742 chief of staff in the Spanish campaign against Georgia, and saw service on the disputed frontier as engineer, diplomat and soldier. His narrative was in effect a reply to the English contentions advanced in the controversies of 1721-25 and 1736-37.

The book is a valuable contribution to the literature of the English-Spanish controversy over American territory and whets our appetite for the publication of the records now being gathered in our own archives.

THOMAS M. PITTMAN.

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THE MORAVIAN CHURCH. By Adelaide L. Fries, M.A., Archivist of the Moravian Church in America, Southern Province, and J. Kenneth Pfohl, D.D., Pastor of the Home Moravian Church. Raleigh. Edwards & Broughton Company. 1926. pp. 973.

The Moravians have been more fortunate than most others in having their history published to the people of North Carolina. We note an anonymous appendix in Martin's History, Reichel's Moravians in North Carolina, The History of Wachovia, The Moravian Records (two volumes, a third in press). To these may be added the Life of Bishop Spangenberg, the Urlsperger Reports, A section in Bernheim's German Settlers in the Carolinas and various pamphlets, and magazines and newspaper articles. In all quite a worthy body of literature for this small interesting section of North Carolina.

Miss Fries has been a painstaking and prolific contributor to this literature, in which her personal interest has found expression in fine literary taste and sound historical sense.

The present volume is rather lacking in historical detail and is more a hand-book or outline of history, introduced by a chapter on "Easter Morning," and consisting of Part One "Yesterday," by Miss Fries, and Part Two "Today," by Dr. Pfohl.

Part One deals with John Hus and the organization of the Unitas Fratrum or Moravian Church, its European vicissitudes, and the colony of Georgia broken up by the war between that colony and the Spanish in Florida, its removal to Bethlehem, Pennsylvania, in 1740, from which twelve years later plans were made for the North Carolina settlement.

Part Two deals with the doctrines, principles, customs, practices and polity of the Moravian Church, placing special emphasis upon its missionary enterprise and activities, its catholic spirit, its music and hymnology.

THOMAS M. PITTMAN.

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THE TILLMAN MOVEMENT IN SOUTH CAROLINA. By Francis Butler Simkins, Assistant Professor of History in Emory University. Duke University Press, Durham, North Carolina. 1926. Price \$2.50.

When Populism reigned rampant in North Carolina and other states, South Carolina remained steadily in the Democratic column, but under the domination of its most radical element.

This book tells the story of the rise and power of Benjamin R. Tillman. It touches upon the social aspects where an aristocracy, of which there was none prouder or more autocratic in existence, had been accustomed to rule without question. Underneath such rule was contempt on one hand of the inferior orders, and resentment on the other, which only waited for leadership and expression. Tillman furnished both leadership and expression and the proud aristocracy of South Carolina became the under dog in the political fight. Wade Hampton and men of like character and position were flouted from office. The State University was reduced in rank and importance, and humiliation became the daily experience of those accustomed to lead.



There was, however, another side. The leaning was to those who most needed help, Clemson College as an industrial and agricultural school came into being, as did Winthrop College at Rock Hill. The liquor traffic was measurably suppressed by the dispensary system and other legislation looked to the uplift of the poorer classes.

It was a period of stress and upheaval akin to our North Carolina experiences.

The story is full of action and Prof. Simkins has not failed to turn on the light—possibly omitting to fully credit the part due to social antagonisms. It will be read with interest in North Carolina little short of that inspired in the Palmetto State.

It is pleasant to note the excellence of the mechanical work done by the Duke University Press.

THOMAS M. PITTMAN.

## HISTORICAL NEWS

The North Carolina Historical Commission receives many requests for early numbers of the *North Carolina Manual*, *Proceedings of the State Literary and Historical Association*, the *North Carolina Booklet*, and *The North Carolina Day Program*. These publications are out of print. It is requested that any one having duplicates of any of these publications send them to A. R. Newsome, Secretary of the North Carolina Historical Commission, Raleigh, N. C. Any supply thus accumulated will be used to fill gaps in the collections of libraries and students, and a distinct service to North Carolina history will be rendered.

Back numbers of Volumes I and II of the NORTH CAROLINA HISTORICAL REVIEW may be had upon application to the Secretary of the North Carolina Historical Commission, at the regular price of \$2 per volume or 50 cents per number.

An address on William G. Hill, M.D., 1806-1877, Grand Master of the Masonic Grand Lodge of North Carolina, prepared by Marshall DeLancey Haywood, has been issued in pamphlet form by the Lodge.

*The North Carolina Booklet*, which has suspended publication for over a year, will be issued again shortly.

Dr. J. Fred Rippy, of the University of Chicago, comes to Duke University as Professor of History, and that University will begin the publication of the *Hispanic American Historical Review* in August, Professor Rippy having charge of the local editorial office.

R. B. House, Secretary of the North Carolina Historical Commission since October, 1924, has resigned, effective July 1, 1926, to take up duties of Executive Secretary to the University of North Carolina, a newly created position to which he was elected April 20th by the Board of Trustees of the University. Mr. House is a graduate of the University of North Carolina, A.B. 1916, and holds

the degree of M.A. from Harvard University (1917). He served as Lieutenant of Infantry in the A. E. F. and in the Replacement Camp at Camp Gordon, Georgia, taught school in Greensboro in 1919, and June 18, 1919, began work on the staff of the North Carolina Historical Commission, serving in varying executive capacities until he succeeded the late D. H. Hill as Secretary. He has been editor of the REVIEW since its foundation. The following resolution was passed by the Historical Commission relative to Mr. House's resignation:

It is with deep and sincere regret that the Historical Commission of North Carolina has accepted the resignation of Mr. R. B. House. Since he has been Secretary he has had the full confidence of the entire Commission. He has filled his position with intelligence and efficiency and to the satisfaction of each member of the Commission. We regret his resignation, but wish him God speed in his new calling.

Albert Ray Newsome, assistant professor of history in the University of North Carolina, has been elected Secretary of the North Carolina Historical Commission to succeed R. B. House. He will assume duties as Secretary July 1st. Mr. Newsome holds the degree of A.B. from the University of North Carolina as of 1915, and the degree of M.A. from the University of Michigan. He has also completed residence work for the Doctorate at the University of Michigan, where he was trained under Ulrich B. Phillips. He is now engaged on his dissertation, which is in the field of North Carolina politics and economics in the War Between the States. He served as Ensign in the Navy during the World War, and has had wide experience in teaching—in the schools of Elizabeth City and Wilmington, as head of the department of history in Bessie Tift College, Georgia, and in the department of history at the Universities of Michigan and North Carolina.

David L. Corbitt, who has been on the staff of the Historical Commission since April, 1924, and has been contributing the Historical Notes to the REVIEW since October, 1924, has been appointed assistant editor of the REVIEW.

A bronze marker placed on a Harnett County rock which weighs 5,000 pounds now marks the last visible mound of the third line breastworks of the Aversboro battlefield, near Dunn. The marker was dedicated and unveiled in connection with the annual memorial

service held at Chicora Cemetery Monday, May 10th. The marker was erected through the efforts of Chicora Chapter of the United Daughters of the Confederacy, of Dunn. Several private donations were made towards the marker, and the State Historical Commission aided the chapter in making it possible.

The following announcement has been issued by Solon J. Buck, Executive Secretary, 110 Library, Columbia University, New York:

The American Historical Association, the one distinctly national organization of its kind in this country, is now, for the first time, making a general appeal to the public for coöperation in the raising of an adequate endowment. The friends of the Association believe that such an appeal is justified by past services and by the assurance, with larger resources, of much greater usefulness in the future.

The Association was founded in 1884 by a notable group of men which included Andrew D. White, Francis A. Walker, Justin Winsor, and Herbert B. Adams. Among its officers have been distinguished historians—George Bancroft, Henry Adams, and Henry C. Lea; also such distinguished men of affairs as George F. Hoar, Alfred T. Mahan, and Charles Francis Adams. The presidency of the Association has been held by two Presidents of the United States—Theodore Roosevelt and Woodrow Wilson. Though most of the members are engaged in the writing or teaching of history, the roll includes many well-known leaders in business and in public life. The Association is, therefore, not an exclusively academic institution.

The national character of the Association has been recognized by the Federal Government. It was chartered by Congress in 1889 and its annual reports, presented through the Smithsonian Institution, are included in the series of Congressional documents. The general offices are in Washington; the annual meetings, bringing together members from the Atlantic seaboard and the Pacific coast, have been held at such widely scattered points as Boston, Philadelphia, Chicago, Charleston, New Orleans, and St. Louis; one notable summer meeting was held in California.

The service rendered has also been national. By the terms of its charter the Association is made responsible for the promotion of "American history and of history in America." The *American Historical Review*, published quarterly by the Association, contains, in addition to articles and reviews, a careful record of what is done by workers all over the country, whether in universities or in state and local historical societies. Other publications of the Association list and index the issues of these allied organizations, making available useful and interesting material which might otherwise be overlooked. In short, the American Historical Association is the chief coördinating agency of the historical fraternity throughout the country.

The Association has recognized its civic responsibility in the matter of education. Through the reports and recommendations of its committees, it has stimulated and guided the teachers of history in elementary and secondary schools. It is now, in view of changed conditions, planning a fresh study of these educational problems.



Another form of direct public service is that of the Public Archives Commission, with its valuable reports describing the archives of the states—Herbert L. Osgood's account of the archives of New York is a notable example. Such surveys are not only useful to scholars; they help to set higher standards for the keeping of public records, a matter which certainly concerns a much larger public. Closely association with this work is a movement which it is hoped will end before long the present disgraceful condition of the National Archives in Washington.

In general, the Association undertakes to place at the disposal of the Government the resources of historical scholarship. The Library of Congress, in building up its great manuscript collections, has often relied upon the expert service of officers and members of the Association. Again, in 1908, one of its committees prepared, at the request of President Roosevelt, a careful report, subsequently printed as a public document, outlining a national policy for the publication of historical material in the National Archives.

Another contribution to a better understanding of American history has been made through the Historical Manuscripts Commission which is constantly locating valuable manuscripts, especially those now in private hands. So far as possible such papers have been secured against loss and made available for students through publication. Among the papers printed by the Association are the letters of the New Englander, Stephen Higginson; the Southern statesmen, John C. Calhoun and Alexander H. Stephens; and such leaders of the Westward movement as Moses and Stephen Austin. Other publications illustrating national politics are the diary of Salmon P. Chase and the Autobiography of Martin Van Buren.

Though the Association has felt peculiarly responsible for "American history, it has never forgotten the wider claims for history in America." Indeed, it is impossible to understand American history if it is completely detached from that of the old world. Several publications deal with international topics—the correspondence of the early French ministers to the United States, the Texan Diplomatic Correspondence, and the papers of James A. Bayard, illustrating the peace negotiations at Ghent in 1814. Since the World War, the Association has been active in promoting scientific coöperation with scholars abroad, a field in which Americans now have new opportunities for service and leadership. It may be noted in this connection that the prizes administered by the Association are given for studies in European, as well as American, history.

Such work as the Association has already done, has been made possible only through an immense amount of unpaid service. Since so large a proportion of its members belong to one of the most poorly paid of all the professions, adequate support can not be secured by increasing the annual dues. It is not possible, or even desirable, to appeal to Congress for much assistance from the Federal Treasury beyond what is now received through the publication of the Annual Reports. To give permanence to the work already undertaken and to enlarge its scope the Association must have a substantial endowment. It should be understood also that such an increased endowment will be far more effective than may at first appear, because it will enable the Association to draw more fully upon what is, and always will be, its chief asset—namely, the professional enthusiasm of its members.

It may be added that the financial record of the Association justifies confidence in its judicious administration of trust funds.

What the Association now asks is an increase in endowment from \$50,000 to \$1,000,000, with the expectation that the additional income thus provided will be used, not only to secure more certain and adequate support for work already undertaken, some of which has been seriously curtailed or delayed by the lack of such support; but also to make possible certain new forms of service.

An example of the need of more support for existing enterprises, is the demand for bringing up to date an index of historical society publications last issued twenty years ago. To give another illustration, the income from a fund of \$100,000 would enable the Association to work out and carry through a consistent policy for filling serious gaps in our national history, through the publication of fresh manuscript material. Every student knows how many papers relating to the history of the American Revolution are now exposed to loss by fire, break-up of families, and other common accidents. We are beginning to appreciate also the importance of other manuscript materials too often neglected by historians, such as business correspondence, and the personal papers of leaders in social, religious, and educational movements. It is also important to reproduce rare printed material, such as early pamphlets and the invaluable older newspapers.

Work of the kind just mentioned would involve only the continuation and development of service already performed. The time has now come, however, when the Association ought to assume a more positive leadership. We have not had in this country enough systematic effort to direct the attention of investigators toward special problems which need to be solved, whether from the point of view of the historians themselves or with proper regard for workers in the related social sciences, such as economics, political science, and sociology. Some of the most valuable work has been, and always will be, done by isolated workers following leads determined only by their own personal interest—by scholars who are often compelled to make the most painful sacrifices. Such work ought, indeed, to be encouraged by grants in aid of personal researches. It should, however, be possible for a coöperative agency like the American Historical Association to survey from time to time large fields of historical study, with a view, first, of determining what gaps most need to be filled, and then enlisting the necessary workers. To a considerable extent, priority may well be given to investigations through which the historian may provide a proper background of experience for the study of pressing political and social problems. A few examples will indicate the kind of work proposed.

Now that the United States has become the most influential of the World powers, there is urgent need for more thorough and dispassionate studies of the history of American international relations (including contacts with Europe, Latin-America, and the Far East). The appeal to history is often made by partisans, but nearly always such appeals involve more or less distortion of the facts. There are few subjects more in need of disinterested research.

Another topic similarly obscured by prejudice and emotional or selfish propaganda is that of immigration and racial elements. Recent legislation brings up questions in which the help of the critical historian as well as

of the economist and the sociologist is needed. Again there is the problem of sectionalism—a most serious one for a country like the United States whose varied geographic areas are more nearly comparable with continental Europe than with a single country like France or Italy. The clash of sectional interests within this American empire has been from the beginning an important feature of our national history and its present manifestations need to be studied in the light of past experience.

There are numerous other fields in which this policy of organized research might well be applied; the history of the common law in America, with the various influences—social, economic, and religious—which have worked upon the inherited English system and adapted it to American uses—an admirable opportunity for coöperation between the lawyer and the historian; the history of American business; the history of agriculture and rural life (a few pioneers have already pointed out large possibilities); the history of the American family, another subject on which something more than surface study of recent developments is badly needed.

An intelligent study of American history requires some knowledge of the European background, and this calls for the coöperation of scholars specially trained to deal with European materials and problems. Many of the studies already mentioned, like those of international relations, immigration, and American law, must be carried across the Atlantic. Something must be done, therefore, to put the American worker in European history more nearly on an equal footing with his fellow-workers abroad. Among the possible services which the Association may perform are the reproduction of important sources in European collections and the preparation of lists and indexes locating valuable material, whether in Europe or America.

The interest of the Association in the publication policy of the United States has already been mentioned. No such policy in relation to the great mass of historical material in the government archives has yet been adopted. Such documents have commonly been printed haphazard with little regard to their relative importance. Meantime material of the greatest interest remains unpublished, and, under present conditions, in constant danger of destruction. The Association may well undertake to form an intelligent public opinion on such matters by working out in detail a program of publication, and preparing a few typical volumes which may then serve as models for subsequent publication by the Government itself.

Although the Association can always draw extensively upon its members for unpaid professional services, the desirability of having some one devote the major part of his time to directing and correlating its activities is very evident. Funds are needed for the salary of such an official, and also for the rent of offices, or perhaps the purchase and upkeep of a house in Washington, to serve at headquarters for the Association and to house properly its accumulating records. Such headquarters could be of great service to the increasing number of historical investigators who visit the Capital, and would do much to encourage the use by students of the great national collections there assembled.

It is for such purposes as these that the American Historical Association is asking the comparatively modest endowment of a million dollars; and the appeal has already met with a cordial response from representative citizens in every section of the country, who have shown their appreciation of the work of the Association by accepting membership in a "National Advisory Committee." The present time seems especially opportune for urging public support of this distinctly patriotic, as well as scientific, service. In July, 1926, the American people will celebrate the one hundred and fiftieth anniversary of their national independence. What more appropriate memorial can there be of this notable occasion than the establishment of an adequate endowment for the kind of honest, disinterested research for which this Association stands?

Albert R. Newsome, Secretary of the North Carolina Historical Commission, Raleigh, N. C., is handling the endowment campaign in North Carolina.



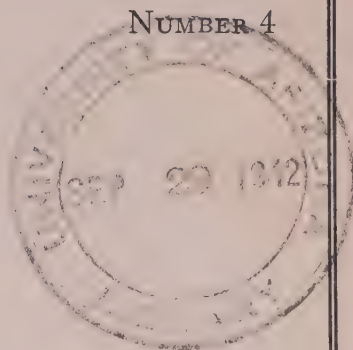


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## CONTENTS

PRESERVATION OF VIRGINIA HISTORY.....	529
LYON G. TYLER	
AGRICULTURE IN COLONIAL NORTH CAROLINA.....	539
W. NEIL FRANKLIN	
NORTH CAROLINA LOYALISTS.....	575
ISAAC S. HARRELL	
SOME N. C. TRACTS OF THE EIGHTEENTH CENTURY.....	591
WILLIAM K. BOYD	
HISTORICAL NOTES.....	622
D. L. CORBITT	
BOOK REVIEWS.....	649
LONG's <i>The Genesis of the Constitution of the United States of America</i> —By E. C. BROOKS; ADAMS's <i>New England in the Republic, 1776-1850</i> —By A. R. NEWSOME; WANDELL AND MINNIGERODE's <i>Aaron Burr</i> ; BOWERS's <i>Jefferson and Hamilton, the Struggle for Democracy in America</i> —By J. G. DE ROULHAC HAMILTON.	
HISTORICAL NEWS.....	660

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# THE NORTH CAROLINA HISTORICAL REVIEW

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## CONTENTS OF THE LAST THREE NUMBERS

### JANUARY, 1926

THE STUDY OF THE NEW SOUTH.....	Benjamin Kendrick
TRAVEL AND TRANSPORTATION IN COLONIAL NORTH CAROLINA.....	F. W. Clonts
NORTH CAROLINA IN THE SCHOOL GEOGRAPHIES 100 YEARS AGO.....	Charles L. Coon
SOME N. C. TRACTS OF THE EIGHTEENTH CENTURY.....	William K. Boyd
HISTORICAL NOTES.....	D. L. Corbitt
SAMUEL A'COURT ASHE.....	R. D. W. Connor
BOOK REVIEWS	
POLITICAL INCONSISTENCY	
HISTORICAL NEWS	

### APRIL, 1926

SCIENTIFIC AND INTERPRETATIVE HISTORY.....	William Whatley Pierson, Jr.
THOMAS COOPER AND THE STATE RIGHTS MOVEMENT.....	Dumas Malone
A HISTORY OF THE PIEDMONT RAILROAD COMPANY.....	C. K. Brown
SOME N. C. TRACTS OF THE EIGHTEENTH CENTURY.....	William K. Boyd
HISTORICAL NOTES.....	D. L. Corbitt
BOOK REVIEWS	
HISTORICAL NEWS	

### JULY, 1926

SCHOOL SUPPORT AND OUR NORTH CAROLINA COURTS, 1868-1926.....	Charles L. Coon
AN ANTIGUA PLANTATION, 1769-1818.....	Ulrich B. Phillips
DEFEATISM IN THE CONFEDERACY.....	Frank L. Owsley
SOME N. C. TRACTS OF THE EIGHTEENTH CENTURY.....	William K. Boyd
HISTORICAL NOTES.....	D. L. Corbitt
BOOK REVIEWS	
HISTORICAL NEWS	

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## PRESERVATION OF VIRGINIA HISTORY

By LYON G. TYLER

Probably the first steps taken towards preserving source materials for Virginia History consisted in the passage of an act by the General Assembly, March 1, 1892, appropriating \$5,000 to copy the county records previous to 1700. It grew out of a visit paid by Dr. Lyon G. Tyler to Yorktown, where he was sadly impressed with the condition of the records of York County. They lay upon the floor in a back room, a prey to dampness and the all-devouring moths. He therefore had a bill introduced in the Senate appropriating the sum mentioned, and was fortunate enough, with the aid of several influential members of the Senate and House, to secure its passage. Under this act, the following county records were copied and placed in the State Library:

- Accomac County: Record of the proceedings of the County Court of Accomac from 1640 to 1642; and of Northampton County Court from 1642 to 1645. Manuscript. 389p. 46.5cm. (Accomac, pp. 1-148; Northampton, pp. 148-389.)
- Accomac County: Record of the proceedings of the County Court of Accomac from 1632 to 1640, now in the Court House of Northampton. Manuscript. 167p. 46.5cm.
- Charles City County: Execution book showing record of executions issued in Charles City County from November 27, 1849, to May 31, 1861. Manuscript. 143p. 40cm.
- Elizabeth City County: Record of wills, orders of Court and deeds in Elizabeth City County from 1684 to 1699. Manuscript. 504p. 46.5cm.
- Essex County: Record of the orders of the Essex County Court from 1683 to 1686. Manuscript. 170p. 46.5cm.
- Essex County: Record of the proceedings of the Essex County Court probate of wills, deeds and other legal instruments from 1692 to 1695. 444p. 46.5cm.

- Essex County: Record of the proceedings of the County Court of Essex from 1695 to 1699. Manuscript. 166p. 46.5cm.
- Essex County: Record of the orders of the County Court of Essex with probate of wills and deeds, 1699. Manuscript. 111p. 46.5cm.
- Henrico County: Record of the proceedings of Henrico County Court from 1677 to 1699. Manuscript, not paged. 46.5cm.
- Henrico County: Record of the proceedings of the County Court of Henrico, probate of wills, deeds, etc., from 1677 to 1699. Manuscript. 433p. 46.5cm.
- Henrico County: Record of the proceedings of Henrico County Court, probate of wills, etc., from 1682 to 1701. Manuscript. 375p. 46.5cm.
- Henrico County: Record of the proceedings of Henrico County Court, probate of wills and deeds from 1688 to 1697. Manuscript. 721p. 46.5cm.
- Northampton County: Record of the proceedings of Northampton County Court from 1642 to 1645. (In Records of Accomac County, Vol. 2, pp. 148-389.)
- Rappahannock County: Record of bonds and deeds in the County Court of Rappahannock from 1656 to 1664. Manuscript. 360p. 46.5cm.
- Rappahannock County: Deed Book of the County Court of Rappahannock from 1663 to 1668. Manuscript. 219p. 46.5cm.
- Rappahannock County: Record of deeds and probate of wills in Rappahannock County Court from 1664 to 1673. Manuscript. 109p. 46.5cm.
- Rappahannock County: Record of deeds in the County Court of Rappahannock from 1668 to 1672. Manuscript. 290p. 46.5cm.
- Rappahannock County: Record of deeds in the County Court of Rappahannock from 1671 to 1676. Manuscript. 350p. 46.5cm.
- Rappahannock County: Record of deeds and probate of wills in the County Court of Rappahannock from 1677 to 1682. Manuscript. 376p. 46.5cm.
- Rappahannock County: Probate of wills in the County Court of Rappahannock from 1677 to 1682. Manuscript. 99p. 46.5cm.
- Rappahannock County: Order Book of the County Court of Rappahannock from 1686 to 1692. Manuscript. 254p. 46.5cm.
- Rappahannock County: Record of deeds in the County Court of Rappahannock from 1680 to 1688. Manuscript. 450p. 46.5cm.
- Rappahannock County: Record of deeds in the County Court of Rappahannock from 1682 to 1692. Manuscript. 269p. 46.5cm.
- Rappahannock County: Record of deeds in the County Court of Rappahannock from 1695 to 1699. Manuscript. 230p. 46.5cm.
- Richmond County: Order Book of the County Court of Richmond from 1692 to 1694. Manuscript. 142p. 46.5cm.
- Surry County: Record of the orders, deeds and wills of the County Court of Surry from 1645 to 1672. Manuscript. 423p. 46.5cm.
- Surry County: Record of deeds, wills and orders of the County Court of Surry from March 8, 1671 to July 5, 1684. Manuscript. 599p. 46.5cm.
- Surry County: Record of the orders of Court, wills, deeds, etc., in Surry County from 1684 to 1686. Manuscript. 96p. 46.5cm.
- Warwick County: Minutes of Warwick County Court from 1748 to 1762. Manuscript. 384p. 46.5cm.
- York County: Deeds recorded in York County Court from 1633 to 1694. Manuscript. 280p. 46.5cm.

- York County: Orders of Court, record of wills, inventories of estates in York County from 1638 to 1648. Manuscript, not paged. 46.5cm.
- York County: Record of proceedings of York County Court, probate of wills, deeds, etc., from 1657 to 1662. Manuscript. 479p. 46.5cm.
- York County: Record of deeds, wills, orders of York County Court from 1664 to 1672. Manuscript. 551p. 46.5cm.
- York County: Record of deeds, wills, orders of York County Court from 1671 to 1694. Manuscript. 403p. 46.5cm.
- York County: Wills, orders of Court, record of deeds, etc., in York County Court from 1675 to 1684. Manuscript, not paged. 46.5cm.
- York County: Record of the proceedings of York County Court, probate of wills, deeds, etc., from 1684 to 1687. Manuscript. 350p. 46.5cm.
- York County: Record of the proceedings of York County Court, deeds of conveyance, grants of land, etc., from 1687 to 1691. Manuscript. 579. 46.5cm.
- York County: Deeds, orders of York County Court, probate of wills, etc., from 1690 to 1694. Manuscript. 446p. 46.5cm.
- York County: Record of deeds in the York County Court from 1691 to 1701. Manuscript, not paged. 46.5cm.
- York County: Record of orders of York County Court, probate of wills, deeds of conveyance, etc., from 1694 to 1697. Manuscript. 508p. 46.5cm.
- York County: Record of orders of York County Court, probate of wills, deeds, etc., from 1694 to 1702. Manuscript. 554p. 46.5cm.

These MSS. Books have been of considerable use to investigators, and still preserve a prominent place in the Department of Archives.

About the time that this bill became a law, Dr. Tyler had another bill prepared, to transfer to the State Library all the records in the County Courts previous to 1800, but the State Librarian was averse to the bill, for want of room in the building, and the General Assembly was still more so, and the bill was not pressed.

The patriotic societies next took up the work of binding and repairing the old records. Among the first in the field were the Colonial Dames of America in the State of Virginia, and the following letter from Mrs. Calvin Bragg Valentine gives a brief account of their valuable and splendid work:

12 East Franklin  
Richmond Virginia  
March 4, 1926

DEAR DR. TYLER:

It gives me great pleasure to send you a list of the books that have been bound and repaired, etc., by the Colonial Dames of America in the State of Virginia.

*Copied, verified and published:*

Register of Christ Church, Middlesex County.

Parish Register and Vestry Book of St. Peter's Church, New Kent County.



*Copied and verified:*

Abingdon Parish Register, Gloucester County.

Kingston Parish Register, Mathews County.

Christ Church Register, Lancaster County.

Vestry Book of Stratton Major, King and Queen County.

Journal of Last House of Burgesses.

These unpublished manuscripts are in the safe of the Virginia Historical Society.

The Society has also *published*:

Lower Norfolk Wills, 1637-1710, Vol. 1, and Brief Abstracts of Norfolk County Wills, 1710-1753, Vol. II, both by Charles Fleming McIntosh, B.L., Norfolk, Va.

*Contributed* to preservation of Records in Princess Anne and Northumberland counties.

*Restored* a Colonial Volume of County Records in the old courthouse at Yorktown.

*Presented* a fire-proof safe to the State Library for the protection of Colonial papers, and placed therein 1426 Records of Bible and tombstones and wills. Lent the State a photostat to be used for copying Colonial records. Used our influence to have a fire-proof vault built by the State, which we feel was done because of our efforts.

*Contributed* \$500 to assist Dr. C. Alphonso Smith in his search for Colonial ballads, and Dr. Smith reported 44 ballads found in Virginia with the music as well.

We are also making a collection of photographs of old homes, portraits, etc.

Yours sincerely,

CALVIN BRAGG VALENTINE.

To the Pocahontas Chapter of the Daughters of the American Colonists we owe the repair of the Charles City County Order Book in the State Library. 1751-57. 500p.

To the Dorothea Payne Madison Chapter of the Daughters of 1812 is due the repair of the Hanover County Will and Deed Book, 1733-35. 343p.

In 1918, the State Librarian secured the passage of an act of Assembly to permit the clerks of the county courts and other State officials to transfer their records not in current use to the State Library for preservation. Under this act, the records of Northumberland County previous to 1753 were transferred as follows, to wit:

*Order Books:*

1652-65 (no index).

1658-66 (no index).

1666-78 (no index).

1678-98 (index) now in *two* volumes.

1699-1713 (no index) now in *two* volumes.

1713-19 (index)

1719-20-29 (index).

1729-37 (no index).

1737-43 (index).

1743-49 (index).

1749-53 (index).

*Will and Deed Books:*

1652-58 (no index).

1666-72 (no index).

1706-20 (index).

1710-13 (no index).

1718-26 (index).

1726-29 (index).

1738-43 (index).

1743-49 (index).

1747-49 (index).

*Church Register of Births:*

(St. Stephen's Parish—listed by letters.)

All of these records have been repaired and rebound at the expense of the State Library, at considerable cost.

Under the same act, Henrico County transferred her records down to 1774 to the State Library as follows, to wit:

1. 1677-1739—Orphans Court, 56p.
2. 1677-1692—Wills, Deeds, etc., 495p. in 2 vols.
3. 1678-1693—Orders, 446p.
4. 1688-1697—Deeds, wills, etc., 720p.
5. 1697-1704— “ “ 455p.
6. 1694-1701—Orders, 295p.
7. 1706-1709—Wills, Deeds, etc., 195p.
8. 1707-1709—Orders, 126p.
9. 1710-1714—Wills, Deeds, etc., 293p.
10. 1710-1714—Orders, 310p.
11. 1714-1718—Wills, Deeds, etc., 270p.
12. 1719-1724—Minute Book, 375p.
13. 1725-1737—Deeds, Wills, etc., 680p.
14. 1737-1746—Order Book, 344p.
15. 1744-1748—Deeds, 383p.
16. 1748-1750—Wills, Deeds, etc., 143p.
17. 1750-1767—Deeds, Wills, etc., 1028p.
18. 1755-1762—Minute Book, 697p.
19. 1763-1767—Orders, 730p.
20. 1767-1769—Orders, 510p.
21. 1767-1774—Deeds, 549p.
22. 1752-1755—Minute Book, in 2 vols.

All these books have been handsomely bound and repaired, with the exception of 3, 7, 11, 13, 16, 18, 21. Arrangements, however, have been made, through the agency especially of Mrs. James Branch Cabell, regent of the Daughters of the American Colonists, and through the officers of other women's patriotic societies for the repair of these volumes.

Under the same act, the records of Charles City County not in current use, were transferred to wit:

Book of Wills, Deeds and Orders, 1655-1665, 635p.

Order Book, 1737-1750, 596p.

Book of Wills, Deeds, etc., 1766-1774, 548p.

Book of Wills, Deeds, etc., 1751-1757, 500p.

These books have been handsomely bound and repaired, the first three at the expense of the Library and the last at that of the Pocahontas Chapter of the Daughters of the American Colonists. Under the same act, the following transfers were made from Princess Anne County:

Deed Book, 1691-1708, 526p.

Wills, Deeds, etc., 1714-1724, 572p.

Wills, Deeds, etc., 1735-1740, 543p.

Wills, Deeds, etc., 1740-17     , 722p.

Copies of these books are found in the Clerk's office of Princess Anne County, so that their files in that county remain complete, in spite of transfer.

Besides these books which have been transferred, several other records of the county courts previous to the American Revolution have come into the possession of the State Librarian by purchase or gift, such as Order Book, Fairfax County, 1772-1774; Order Book, Prince George County, 1714-20.

The work of the State Library for some years past has been very active. Printing and publishing are, after all, the best way of preserving original source materials. In 18 volumes, the State Library has published (1) the proceedings of the House of Burgesses, 1619-1776; (2) proceedings of the Council of State in its legislative capacity, 3 volumes, 1680-1776; (3) proceedings of the Council in its judicial capacity, as the general court, one volume from 1622-1682; (4) lists of soldiers in the Revolution in 8th and 9th

annual reports of the State Librarian; (5) Register of the General Assembly of Virginia, 1776-1918, printed as a part of the 14th Annual Report of the Library Board for the year 1917; (6) List of Colonial Soldiers of Virginia, printed as a part of the 13th Annual Report of the Library Board, 1916; (7) A Trial Bibliography of Colonial Virginia, 1607-1776 (2 parts), printed in Annual Reports of the State Library Board for 1908 and 1909; (8) numerous bulletins describing the many bound manuscripts and transcripts in the State Library. The Library has now in hand the publication of the Proceedings of the Council in its executive character and the valuable Letter Books of the Governors.

One of the greatest aids for the preservation of the priceless archives of Virginia is the fire-proof addition made to the State Library Building in the year 1920, by authority of the Legislature, which provided \$40,000 for its construction; and here it must be noted that nearly all of the counties of Virginia have built new fire-proof clerks' offices, which have insured the safety of the papers and books retained by them. A few counties possessing priceless records have, however, not shared in the general advance, leaving their books in a deplorable condition. Besides publishing and printing, the State Library has used a photostat for copying purposes. One of the uses to which it was been put has been to copy as many of the church registers and vestry books as could be found in the State. A list of these is as follows:

Abingdon Parish Register, 1678-1761; Gloucester County; 113p.

Albemarle Parish Register, 1739-1778; Surry and Sussex counties; 197p.

Albemarle Parish Vestry Book, 1742-1787; Surry and Sussex counties; 327p., in 2 vols.

Antrim Parish Vestry Book, 1752-1817; Halifax County; 208p.

Blissland Parish Vestry Book, 1721-1786; New Kent County; 155p.

Charles River and York Hampton Parish Register, 1648-1800; York County; 254p.

Christ Church Parish Vestry Book, 1739-1788; Lancaster County; 132p.

Christ Church Parish Vestry Book, 1663-1767; Middlesex County; 321p.

Cumberland Parish Vestry Book, 1747-1831; Lunenburg County; 258p.

Dettingen Parish Vestry Book, 1745-1802; Prince William County; 305p.

Dumfries Church Register, 1816-1824; Prince William County; 19p.

Frederick Parish Vestry Book, 1764-1818; Frederick County; 321p.

Fredericksville Parish Vestry Book, 1742-1787; Louisa County; Vol. I, 127p.; Vol. II, 179p.

Kingston Parish Register, 1755-1776; Gloucester County; 234p.



Kingston Parish Vestry Book, 1679-1796; Gloucester and Mathews counties; 122p.

Lexington Parish Vestry Book, 1779-1800; Amherst County; 124p.

Lunenburg Parish Register, 1790-1800; Richmond County; 49p.

Lynnhaven Parish Vestry Book, 1723-1892; Princess Anne County; 382p.

Newport Parish Vestry Book, 1724-1772; Isle of Wight County; 252p.

Overwharton Parish Vestry Book, 1815-1820; Stafford County; 9p.

St. Andrew's Parish Vestry Book, 1732-1797; Brunswick County; 201p.

St. James Northam Parish Vestry Book, 1744-1850; Goochland County; 289p.

St. Mark's Parish Register, 1794-1797; Culpeper County; 23p.

St. Mark's Parish Vestry Book, 1730-1753; Culpeper County; 441p.

St. Patrick's Parish Vestry Book, 1755-1774; Prince Edward County; 89p.

St. Paul's Parish Vestry Book, 1705-1785; Hanover County; 446p; in 2 vols.

St. Paul's Register, 1716-1793; King George County; 237p.

St. Peter's Parish Register, 1733-1778; New Kent County; 56p.

St. Peter's Parish Vestry Book, 1685-1758; New Kent County; Vol. I, 233p; Vol. II, 147p.

Shelbourne Parish Vestry Book, Loudoun County; 69p.

Southam Parish Vestry Book, 1745-1836; Powhatan County; 548p.

Stratton Major Parish Vestry Book, 1729-1783; King and Queen County; 151p.

Upper Nansemond Parish Vestry Book, 1744-1793; Nansemond County; 294p.

Wicomico Parish Vestry Book, 1703-1795; Northumberland County; 230p.

The following are under way, but not completed:

Bath Parish Register, 1827-1897; Dinwiddie County.

Bruton Parish Vestry Book, 1827-1889.

Middletown and Burton Parishes Register, 1739-1792.<sup>1</sup>

The work of the Virginia Historical Society has been very great. Beginning in 1831, it has amassed a great amount of material illustrative of the history of Virginia, such as portraits, manuscripts, books, etc., which they have housed in the building on Franklin Street once occupied by General Robert E. Lee. Their publications contain a vast amount of source materials for history, among which publications may be mentioned *The Virginia Historical Register* (4 volumes); *Historical Collections* (11 volumes); *The Virginia Historical Magazine* (32 volumes), beginning in 1893.

<sup>1</sup> Since submission of "copy" for the article the photostat has been uninterruptedly at work. The records mentioned above have been completed, and, in addition, the following: Suffolk Parish Vestry Book, Nansemond County, 1749-1856. Bruton Parish Register, James City County, 1868-1908. Charlotte Court House Church (Presbyterian) Records, 1825-1859. Byrd Church (Presbyterian) Records, Goochland County, 1811-1891.

Arrangements have been made with the authorities of the Friends' District Meeting, Baltimore, Md., according to which all the records of Virginia interest will be borrowed and copied. Several have already reached the Library. The machine is now at work making prints of all the George Rogers Clark material in the library,—positives from the negatives heretofore made for Mr. R. C. Ballard Thurston, of Louisville, Ky.

The Fauquier Historical Society publishes a magazine devoted, as its name implies, to the history of Fauquier County.

Confederate History and its relics have been cared for by the Confederate Memorial Literary Society (of which Miss Sallie Archer Anderson is President); the Confederate Memorial Institute, of which Mr. Eppa Hunton is President, with Mrs. Chiles T. Ferrell as President of the Board of Lady Managers.

The first of these societies has its collections in what was formerly the Executive Mansion of President Jefferson Davis, and the other in a building known popularly as "Battle Abbey."

The World War is represented in the publications of the World War Historical Commission, authorized and supported by the State Legislature. Dr. Arthur Kyle Davis, of Petersburg, is President of this Commission. Three volumes illustrative of the war services of Virginians have appeared, and another is in the making. Two more will complete the purposes of the Commission.

More or less work, in the form of publications, contributions of money in the aid of historical preservation and marking of historic spots, has been performed by the Society of the Cincinnati, Descendants of the Signers of the Declaration of Independence, Sons of the Revolution, Sons of the American Revolution, Sons of Confederate Veterans, United Daughters of the Confederacy, Daughters of the War of 1812, the Society of the Daughters of the American Revolution, and other patriotic organizations.

In addition to these agencies, the University of Virginia, William and Mary College, Richmond University, Randolph-Macon College and other institutions of learning issue publications which sometimes contain important historical material. It would add too many pages to this report of historical conditions in Virginia to speak in detail of the activities of individuals. William A. Crozier published ten volumes of abstracts of records of the county courts. In Dr. Lyon G. Tyler's *William and Mary College Quarterly*, 1892-1919, and in his *Tyler's Quarterly*, 1919-1926, many valuable historical articles have appeared. The daily newspapers, of course, contain a vast amount of information as to the past.

There remains to mention the extensive work done by the "Association for the Preservation of Virginia Antiquities." This association was chartered March 3, 1892, and its purpose was not like all other societies, incidentally one for the restoration and pre-

servation of Virginia antiquities, but this was the very essence of its being. The immediate object of its incorporation was the "acquisition, restoration and preservation of the ancient historic grounds, buildings, monuments, and tombs, in the Commonwealth of Virginia, and the protection of any relics which may become its property by gift or purchase." The earliest and most important of its work was in connection with Jamestown Island. Through the munificence of the owners, Mr. and Mrs. Edward E. Barney, the society became the owners of twenty-two and a half acres of land, including the churchyard and site of the early fort and town. Under the auspices of the Association the United States government erected a substantial seawall at the western end of the Island, to protect it from the encroachments of the waters of James River. Since that time old ruins have been excavated, the old church restored, statues of John Smith and Pocahontas erected, and the property of the Association on the Island has been made an attractive park. Through its influence largely the government was induced to erect a fine monument on the Island to commemorate the founding there of the first permanent settlement in America.

Other work of the Association was to restore the old colonial magazine in Williamsburg, known as the "Powder Horn." This was followed by the purchase of the Mary Washington House and the Rising Sun Tavern, both in Fredericksburg, Va.

Many other old buildings have been acquired by gift, such as "the John Marshall house" in Richmond, the old clerk's office and courthouse at Eastville, Northampton County, and the Old Stone House in Richmond. A bronze tablet has been placed at Cape Henry, the place where the original settlers first put foot to land, and a bronze cross on Gamble's Hill to commemorate the discovery of the Falls of James River.

# AGRICULTURE IN COLONIAL NORTH CAROLINA

By W. NEIL FRANKLIN

## PART I

### EARLY CONCEPTIONS OF CAROLINA AND ITS POSSIBILITIES

"Paradise was created a part of this earth, and seated in the lower part of Eden or Mesopotamia, containing also a part of Shinar and Armenia; it stands thirty-five degrees from the equinocc-tiall, and fifty-five from the north-pole, in a temperate climate, full of excellent fruits, chiefly of palme-trees without Labour; for whereinsoever the earth, nature, and the sun can most vaunt that they have excelled, yet shall the Palme-tree be the greatest wonder of all their workes. . . . The like are also found both in East and West-Indies as well as in Paradise, which countries are also blessed with a perpetuall spring and summer."<sup>1</sup>

So wrote Sir Walter Raleigh after his fruitless colonizing activities upon the eastern shore of what is now North Carolina during the latter part of the sixteenth century. But Raleigh was writing after experience that was more or less superficial, and besides "Palme-trees" alone do not make Paradise, as many of the founders of the Southern colonies learned, much to their regret. And we may also feel safe in saying that Raleigh was hoping to encourage the future settling of Carolina, hence his comparison of it with Paradise. That Raleigh's was not the only mind richly gifted with the power of imagery is shown by the following Utopian conception of agriculture, published in 1650, and well worth quoting in full:

And the native corn of the country (Carolina) maiz, is so grateful to the Planter, that it returneth him his entrusted seed with the increase of two or three hundred interest, so facilely planted, that one man in 48 hours may prepare as much ground, and set such a quantity of corn, that he may be secure from want of Bread all the yeere following, though he should have never so large an appetite to consume it, and have nothing else to live upon. . . . Planted in March, April, or May, it is ready for the Barne in June, July, and August; and of this by a provident management, you may have yeerely three or four Harvests. . . . Nor is the corne different in preservation, for in six or seven years there is scarce any sensibility of its corruption.

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<sup>1</sup> A. S. Salley, Jr., *Narratives of Early Carolina, 1605-1708*. New York, 1911 p. 7. quoting from Rawleigh's *Marrow of History*, p. 42.



. . . three or four cropes of Rice, Flax, Indigo, Corne, Coleseed, or Rape-seed, will receive the English wheat with a gratefull retribution of thirty for one increase, every Acre sowed with wheat will produce six, seven, or eight quarters of the graine intrusted.

. . . two men by a discreet division of their time, will plow, reape, and harvest in at the least 60 acres . . . by two men's labours onely you have a grateful return of at the least three hundred and sixty quarters of wheat. . . . Nor is there such difficulty in the threshing . . . since it may easily be tread out with Oxen.

. . . The first wheat being reaped, if you desire a croppe of Barley, the same Land plowed in July, will return its ripe increase in September, so that from one and the same piece of ground you may have the benefit of two different Harvests.

But the Rice . . . sowed, yeelds a greater encrease with the same labour 40 acres of the plowed if valued but at seven shillings six pence the Bushell, will yeeld six hundred pounds all done by two men and a Teame of Oxen."<sup>2</sup>

As we shall see in a later part of this paper, the actual settlers, from the amount of their labor expended upon the soil, seemed to be perennially expecting such plentiful harvests. But it must be borne in mind that this description, like Raleigh's, was written with the object of attracting settlers to the new land.

In 1663 an exploring commission from Barbados affirmed "that we have seen, facing both sides of the river and branches of Cape Fair (Cape Fear) aforesaid, as good land as well timbered as any we have seen in any other part of the world, sufficient to accommodate thousands of our English nation, and lying commodiously by the said river's side."<sup>3</sup>

About the same time (1663) it was conceived that the planting of Carolina would be of great advantage to the King and his people, "in regard the land in Carrolina will produce wines of all sorts, silks, reasons (raisins) of all sorts, currants figs, ollives, oyle, capers and tobacco."<sup>4</sup>

Keep the following glowing description of the Cape Fear region by Robert Horne (1666) in mind when we come to the actual agricultural conditions prevailing in Colonial North Carolina, especially in regard to cattle: "there is plenty of as rich ground as any in the world. It is a blackish mold upon a red sand, and under that

<sup>2</sup> Peter Force, *Tracts*, III, Washington, 1844; Virginia, more especially the South part thereof of (Carolina) London, 1650)

<sup>3</sup> *Colonial Records of North Carolina*. Vol. I, p. 71.

<sup>4</sup> *Colonial Records*, I, 57. Letter dated Sept. 9, 1663. See also *Colonial Records* I, 138, Robert Sanford's Narrative of Exploration in 1666.

a clay, but in some places in rich ground of a grayer colour. . . . There are many sorts of fruit trees, as Vines, Medlars, Peach, Wild Cherries, Mulbury-Trees. they have brought with them (i.e. the settlers) most sorts of seeds and roots of the Barbadoes which thrive very well, and they have Potatoes, and the other Roots and Herbs of Barbadoes growing and thriving with them. . . . They have Indico, Tobacco very good, and cotton-wool; Lime-trees, Orange, Lemon, and other Fruit-Trees they brought, thrive exceedingly; They have two crops of Indian-corn in one year, and great increase every crop; . . . The Marshes and Meadows are very large from fifteen hundred to three thousand Acres, and upwards, and are excellent food for cattle, and will bear any Grain being prepared; some cattle both great and small, which live well all the Winter, and keep their fat without Fodder; Hogs find so much Mast and other Food in the Woods, that they want no other care than a Swine-Herd to keep them from running wild.”<sup>5</sup>

The statement that “Lime-trees, Orange, Lemon . . . thrive exceedingly” in Carolina immediately causes one to conclude that the author was either deliberately misrepresenting the province of Carolina or that he was woefully ignorant of the true conditions. The chances are that Horne was also desirous of building up Carolina and took advantage of the popular ignorance in regard to the colony. We are prone to believe that the art of advertising is a modern institution, but even these few extracts seem to show that the present day advertiser is not so far ahead of his occupational or professional progenitor. At any rate, from the foregoing, the reader may derive some conception of the current beliefs concerning Carolina previous to, and about the time of, the actual permanent settlement of the colony.

#### QUITRENTS IN CAROLINA

Lands were not held by the settlers of Carolina in fee simple. Each year they were required to pay to the Lords Proprietors and after 1730 to the crown certain rents called quitrents, which were nothing more than a tax.<sup>6</sup> The usual rate in Virginia was two shillings per hundred acres, and some grants had been made in Carolina at

<sup>5</sup> A. S. Salley, Jr., *Narratives of Early Carolina, 1650-1708*, New York 1911, pp. 68, 69.

<sup>6</sup> *The South in the Building of the Nation*. Richmond 1909, I, 443.

that rate. But the proprietors tactlessly reserved a half-penny an acre as a condition for settling in North Carolina. Loud protests against this action of the proprietors followed, resulting in the so-called Grand Deed to Albemarle, which guaranteed to the Carolina settlers along the Virginia border the right of taking up land under the same conditions as prevailed in Virginia. The proprietors later attempted to increase the quitrents to a penny an acre, but the people holding the Grand Deed to Albemarle irrevocable, successfully opposed this. The usual rate in North Carolina during the proprietary period, i. e., before 1729, was, for "rented" land, two shillings per hundred acres, and for "purchase" land, six pence or one shilling.

The colonists, we may be sure, evaded payment of the quitrents whenever possible, but the collectors were successful in securing part payment of the quitrents. The extant records are few and confused, hence an estimate of the quitrents is difficult. Probably the expenses incident to collection plus the salaries of the local officials (the governor, for example, was allowed annually £300 from the quitrents) precluded the proprietors' receiving any quitrent returns of consequence from North Carolina. Although when the Crown purchased Carolina from the proprietors quitrents were practically ignored, the instructions sent to Governor Burrington in December, 1730, increased the quitrents to four shillings per hundred acres. As a result collections fell off, the salaries of royal officials suffered, but still the Board of Trade demanded twice the quitrents asked in Virginia. The collection of quitrents became ever more difficult, as the spirited settler resented this uncalled-for discrimination. The following will clearly show how collections were decreasing:

<i>Year</i>	<i>Amount</i>
1735	£1,182 sterling
1740	£1,906 sterling
1745	£ 323 Proclamation Money (75 per cent of sterling value)
1748	£ 146 Proclamation Money <sup>7</sup>

In 1761 the Board of Trade was informed by North Carolina officials that "the present annual rental wou amount to near three

<sup>7</sup>The above summary of quitrents in North Carolina is based upon facts found in Prof. B. W. Bond's *The Quitrent System in the American Colonies*, New Haven, 1919.

thousand pounds ster p ann if duely collected,"<sup>8</sup> so by comparing that sum with those actually collected one may see that the collector's position was everything except an easy one. Quitrents, as above stated, were taxes, and the settlers desired to pay as little as possible. This high quitrent prevailing in North Carolina helped to delay westward expansion, and correspondingly retarded agriculture.

#### LAND GRANTS

As early as 1669 the Albemarle Assembly passed an act providing that those settlers who had for a time cultivated their holdings and then left them should repair to them within six months, or the holdings would be forfeited.<sup>9</sup> This means that there was even then an expansion of settlers to the west or south of Albemarle, or else it was aimed to prevent large holdings by one individual. During the first five years of settlement land was granted on rather easy terms, one hundred acres in perpetuity to every "undertaker," and lesser amounts for every man—or woman-servant.<sup>10</sup> That these were easy terms may be seen from the fact that ten acres were sufficient to claim one man's attention.<sup>11</sup> "On the 21st July, 1669, the Lords Proprietors . . . signed Locke's Fundamental Constitutions, but for want of Landgraves, Cassiques and a sufficient number of people, they were never put into practical operation in North Carolina."<sup>12</sup> In 1711, to encourage settlement, the Lords Proprietors began permitting the purchase of six hundred and forty acres at the rate of £20 sterling per each one thousand acres.<sup>13</sup> A special dispensation had been made in the case of the Palatines a year before, who received two hundred and fifty acres for five years without remuneration.<sup>14</sup> Due to the wavering policy of the proprietors, irregularities crept into the system of land grants. The proprietors closed the land office in 1712 to end these irregularities, but this increased the confusion, planters going to England to secure their patents. Many persons now left North Carolina, others taking possession of the land as squatters.<sup>15</sup> By 1723 settlers were preëmt-

<sup>8</sup> *Colonial Records*, VI, 618.

<sup>9</sup> *Colonial Records*, I, 186.

<sup>10</sup> *Calendar of State Papers, America and West Indies, 1661-1668* p. 155.

<sup>11</sup> *Calendar of State Papers, America and West Indies, 1661-1668*, p. 159.

<sup>12</sup> *Colonial Records*, I, XVII.

<sup>13</sup> *Ibid.*, I, 832.

<sup>14</sup> G. D. Bernheim, *German Settlements and the Lutheran Church in North and South Carolina*. Philadelphia, 1872, p. 71.

<sup>15</sup> B. W. Bond, *The Quitrent System in the American Colonies*, New Haven, pp. 116-117.



ing lands in the Cape Fear region to the south, so to secure quit-rents from them Governor Burrington ordered the land office reopened.<sup>16</sup> These tracts (in the Cape Fear country) had to be settled within two years after being entered, the surveyor received about £3 per tract of six hundred and forty acres, and the settler in addition was responsible for the regular quitrent.<sup>17</sup> To foster immigration, certain London merchants were given large grants of land. About the headwaters of the Pee Dee and Cape Fear rivers, McCulloch secured 1,200,000 acres, to be divided into baronies of 12,500 acres each, no rents to be paid for many years. These large grants caused much trouble up to the time of the Revolution, when the McCulloch lands were confiscated.<sup>18</sup> The Federal census of 1790 did not give the amount of land held by the planters. The Federal census of Caswell, Granville, and Orange counties was missing, so the Carolina Records, volume XXVI, used the tax list (with number of acres) for those counties. According to this tax list, if these counties may be assumed to be typical in regard to the planters' holdings, it seems that the holdings varied from about two hundred to five hundred acres, some few large holdings even approximating ten and twelve thousand acres.<sup>19</sup>

#### THE QUALITY OF CAROLINA LAND

"There are great Tracts of good land in this Province (of North Carolina) and it is a very healthy country."<sup>20</sup> Thus wrote the Board of Trade to the King September 8, 1721. Contrast this with the report of Governor Burrington (who was actually acquainted with the facts) a decade later: "Not an hundredth part of the grounds are Plantable; the barren Pine lands will never be cultivated; the several sorts of wet lands, called in these parts. Dismals, Pocosaus, Swamps, Marishes (Marshes) and Savannas cannot be cleared and drained, without great charge, and labour."<sup>21</sup> Evidently the representation of the Board of Trade had been drawn from the imagination, and not from actual observation. There was "good land" in North Carolina, but not "great tracts" of it. In 1729 the

<sup>16</sup> *The South in the Building of the Nation*, Richmond, 1909, I, p. 419.

<sup>17</sup> Hugh Meredith, *An Account of the Cape Fear Country, 1731*. Edited by E. G. Swemm, 1922, pp. 25, 26.

<sup>18</sup> *The South in the Building of the Nation*, Richmond, 1909, I, p. 446.

<sup>19</sup> Cf. Catherine Albertson, *In Ancient Albemarle*, Raleigh, 1914, pp. 35, 36.

<sup>20</sup> *Colonial Records* II, 419.

<sup>21</sup> *Ibid.*, II, 431-2.

Lords of Trade wrote that "The soyle of North Carolina is much better than that of Virginia,"<sup>22</sup> and in a measure this was true, for the best lands of North Carolina were comparable to any situated on the Atlantic seaboard. As might be expected, North Carolina was possessed of varieties of soil, in ascending scale from the many (at that time) worthless swamps of the coastal regions to the wonderfully productive regions of the interior about the sources of the rivers. The lands of Carolina were "some Stiff, others Light, some Marle, others a rich Black Mold, some Sandy on Part Pieny (Piney), another large Timber Trees."<sup>23</sup>

"The Lands in Carolina lie indifferently low and level, no Rocks, or even small stones are to be found, till you come near the Mountains, and the Heads of the great Rivers, where the best lands are generally to be met with, abounding with all sorts of clover, in great Plenty; and is more healthful to live in."<sup>24</sup> The islands of the coast and the adjoining lands were of course sandy, with an almost total absence of stones. The bottom lands of the rivers were usually boggy and marshy, the lands at a distance from the rivers generally clay. Rising hills and rich bottoms were to be found in the "Western Country."<sup>25</sup> The region about Edenton (located on the coast in north-eastern Carolina) was styled the granary of the province, and though we may doubt that "the planters' tables groaned beneath dainties,"<sup>26</sup> yet we have the following from a contemporary account: "I could not help smiling however at the appearance of a soil, that seemed to me no better than dead sand, proposed for a garden. But a few weeks have convinced me that I judged very falsely, for the quickness of the vegetation is absolutely astonishing."<sup>27</sup> Along the eastern coast one encountered savannas, level stretches which were usually under a slight depth of water, but which doubtless were, as Dr. Brickell suggests, beautiful during certain seasons of the year. These were often miles in length and breadth, but were of

<sup>22</sup> *Colonial Records*, III, 49.

<sup>23</sup> John Brickell, *Natural History of North Carolina*, Dublin, 1737, p. 13. One must be most careful in accepting the statements of Dr. Brickell at face value, even though he had resided in North Carolina. In speaking of Dr. Brickell's history, Jared Sparks in the *North American Review*, XXXIII, 288, says: "An almost exact verbal transcript of Lawson's History . . . a more daring piece of plagiarism was never executed." Unfortunately, a copy of Lawson's History was not available in the Princeton University Library, though we can assume the risk of accepting Dr. Brickell as the spokesman for Lawson.

<sup>24</sup> *Ibid.*, p. 11.

<sup>25</sup> *Colonial Records*, VI, 606.

<sup>26</sup> McRee's *Iredell*, I, 31.

<sup>27</sup> *Journal of a Lady of Quality, 1774-76*, Edited by E. W. and C. M. Andrews, New Haven, 1922, p. 161.

little value to the planters because the Plantations were situated miles away. They were, however, at times used for the pasturage of cattle.<sup>28</sup> The very wet and low lands included the perkosons and swamps, cypress tress growing abundantly upon the perokosons; and vines, reeds, and canes throughout the swamps. There was good pasturage here, but the undergrowth was so nearly impenetrable that such lands ordinarily formed the habitation of wild beasts.<sup>29</sup> That the officials realized the potential value of such land is shown by their statment in 1761 to the effect that such "will be the best Lands in the Province when reclaimed."<sup>30</sup>

As to the market value of land, it appears certain that there was a gradual increase in land values culminating in the higher prices of the Revolutionary period. The Conference Minutes of the Moravians for 1765 state that land was then selling for from ten to fifteen pounds proclamation money, or five to seven pounds sterling per hundred acres, and further, the interesting fact that it was difficult to rent or lease land, as industrious men wished to own their farms. As the Moravian settlements increased in population land values rose, until in 1792 one hundred acres brought thirty-two pounds North Carolina currency.<sup>31</sup> The westward movement of the older settlers also influenced the price of land. Governor Burrington wrote in 1732 that newcomers could purchase plantations ready for occupancy for less money than it would take to erect the buildings and improvements.<sup>32</sup> It was a clear loss for the plantation owner, but this he was willing to bear in order that he might seek new lands for his family, and probably no less for his cattle and hogs. The governor cites an instance of eleven plantations, inhabited by one hundred whites, which were sold to a planter and his wife removing from Virginia. The hundred whites had gone to the new settlements constantly opening up to the west.<sup>33</sup> In 1755 in order to develop the West, the Lords of Trade desired that the King should increase the number of acres to be taken up by one individual from one hundred acres for the master and fifty acres for each member of the family to six hundred and forty acres, still requiring

<sup>28</sup> Hugh Meredith, *An Account of the Cape Fear Country, 1731*, p. 18; John Brickell, *Natural History of North Carolina* (Dublin, 1737) p. 11.

<sup>29</sup> *Ibid.*, p. 13.

<sup>30</sup> *Colonial Records*, VI, 608.

<sup>31</sup> A. L. Fries, *Records of the Moravians in North Carolina*, Raleigh, 1922, I, pp. 362-363.

<sup>32</sup> *Colonial Records*, III, 430.

<sup>33</sup> *Ibid.*, III, 430.

that three acres should be cleared annually for every hundred acres granted to him.<sup>34</sup> But those people moving westward were supplanted by newcomers mostly from the North who continued to develop the eastern plantations, the value of these increasing with the passage of time. Due to the constant change in ownership and to the fact that small holdings were ordinarily all that could be secured at the land office, North Carolina was not "dominated by a few powerful families."<sup>35</sup>

When a settler entered his lands, he then began clearing a piece of woodland, building a log house, and using the trees round about for the house and also to make rails for the cornfield fence. The remaining trees in the plot were barked for some two or three feet around, dying the next year, the bark rotting and falling off, leaving dead white trees within the field. This did not occasion much trouble for the growth of trees was generally thin. An act of 1715 required "that every planter shall make a sufficient Fence about his clear Grounds Five foot high and the end of every Raile not to be above four inches asunder untill the Fence be three foot high from the ground."<sup>36</sup> "Every inclosure is made of a set of logs laid zagly close over each other."<sup>37</sup> This type of fence is known as the Zigzag, Virginian, or rail fence, and is still to be frequently met with in the rural South. With a one horse plow the upper sward of grass was now pared off, Indian corn and the like being sown among the dead trees. Hoes were used (if available) when the plow could not effectively reach the hills.<sup>38</sup> Crops were then annually planted until the ground ceased to produce a sufficient yield. In the lower counties (about the Cape Fear River) a new clearing was made. In other counties, the soil being stronger with the climate more temperate, peas or beans were sown for one year, and wheat, perhaps for the following two or three years. "In this system of crops, the land was changed as fast as it wore out, fresh pieces cleared, exhausted in succession, and left to the spontaneous growth: . . . the climate was so hot, that, except on rich, moist lands, any sort

<sup>34</sup> *Colonial Records*, V, 397.

<sup>35</sup> J. S. Bassett, *The Constitutional Beginnings of North Carolina*, (Johns Hopkins University Studies, XII), p. 111; J. W. Moore, *History of North Carolina*, (Raleigh 1880) p. 90: "In Albemarle and along the seacoast were comparative wealth and small divisions of land."

<sup>36</sup> *Colonial Records*, XXIII, 61.

<sup>37</sup> *Journal of a Lady of Quality*, Edited by E. W. and C. M. Andrews, New Haven, 1922, p. 161.

<sup>38</sup> *Colonial Records*, V, pp. 362-363.



of grass was scarce; but the fallow, in a few years, became a forest. . . . If the planter did not return, to cultivate the land, which, from the great abundance of waste ground, was often the case, the old plantation ceased soon to be distinguishable from the rest of the woods."<sup>39</sup> Naturally the plantations were to be found located upon the rivers, for as we have seen above, perkosons and swamps (in the eastern and first settled regions) made traveling at best very difficult. The river plantations could ship their surplus produce by water to the towns of the seacoast, which were the natural markets for the interior. Though the soil of the inland country was more fertile than that of the coast, the difficulty of transportation and the Indian menace delayed to some extent the westward expansion of the colony. Dr. Brickell, writing in 1737, says (page 14) that the plantations ran only a mile into the woods on the banks of a river, so that "betwixt every river" might be seen vast tracts of waste land. To prevent this, the Board of Trade recommended in 1754 that the Governor should take care in the case of river land that the grant should extend into the interior and away from the river four times the length of the river frontage.<sup>40</sup> All the river plantations possessed docks for the loading and unloading of boats.<sup>41</sup> "Few were the large plantations with a mansion and a rich, well-educated master; and many were the small farms or rude clearings."<sup>42</sup>

#### SLAVERY IN ITS RELATION TO AGRICULTURE

Perhaps something should be said of population in general to enable the reader to realize how few the settlers of North Carolina actually were. The Albemarle settlement, founded probably in 1653, was not able to expand with any rapidity until after the Tuscarora War of 1711-12 ended the Indian danger. The settlement, of Brunswick, about 1725 later at Wilmington, was of comparatively slow growth, as was certainly true of Albemarle. The Scotch-Irish Presbyterians began settling along the Eno, Haw and Catawba rivers in 1740. The Moravian settlement of the north central portion of the colony began in 1753.<sup>43</sup> So it was only with the opening up of the interior that population assumed progressive proportions. In

<sup>39</sup> F. X. Martin, *History of North Carolina*, New Orleans, 1829, II, p. 397.

<sup>40</sup> *Colonial Records*, V, 96.

<sup>41</sup> John Brickell, *Natural History of North Carolina, 1737*, p. 14.

<sup>42</sup> H. A. Smith, *The Thirteen Colonies*, New York, 1901, p. 376.

<sup>43</sup> Foote's *Sketches*, p. 79.

1694, the total number of tithables in the colony was 787, indicating a total population of about 3,500.<sup>44</sup> When North Carolina became a royal colony in 1729, its population was about 40,000, including the slaves.<sup>45</sup> During the later period population accounts are confusing indeed. For instance, Moore says that the population in 1752 was about 30,000,<sup>46</sup> while Professor Sikes declares that the population at the same time, 1752, was estimated at 90,000.<sup>47</sup> In this case Professor Sikes was the more nearly correct, for the Congressional estimate of 1776 gave North Carolina a population of 181,000.

The information given below in regard to slavery and its relation to the agriculture of North Carolina was derived in large part from J. S. Bassett's monograph on *Slavery and Servitude in the Colony of North Carolina*. In general, eastern Carolina was slaveholding. The explanation is found in the fact that the men settling the West were accustomed to doing the farm work themselves, while the eastern coast men were slaveholders from tidewater Virginia. In Brunswick County in 1767 there were about twice as many blacks as there were whites. In the same year (1767) in the sixteen eastern counties there were 21,500 blacks, and in the thirteen western counties about 16,000 blacks. In 1709, one-sixth of the population was black, the ratio remaining thus until 1754, when it changed to about ten blacks to fifty-one whites. It had risen to ten to thirty-nine by 1767. This was due, Bassett says, almost entirely to births within the colony. A planter coming to settle in Carolina ordinarily brought a slave or two with him. Within a few years his small farm would have been cleared and his stock of negroes increased. He would now take up another tract of land, placing part of his cattle and negroes on the new farm. In less time than in the case of the first farm, the second would be in good shape, so a third would be taken up. Continuing in this wise for years, the planter would eventually find himself owner of a half dozen or so farms, each stocked with cattle and slaves. In 1665 the Lords Proprietors of North Carolina offered fifty acres of land for every slave brought into the province.<sup>48</sup> The instructions sent to the governors show that

<sup>44</sup> *Colonial Records*, I, 428, Edmund Randolph's report of only sixty or seventy scattered families in 1696 is an understatement, *Colonial Records*, I, 467.

<sup>45</sup> *The South in the Building of the Nation*. Richmond, 1909, p. 441.

<sup>46</sup> J. W. Moore, *History of North Carolina*, p. 63.

<sup>47</sup> *The South in the Building of the Nation*, I, p. 441.

<sup>48</sup> *Colonial Records*, I, 86.

this practice was almost constantly followed. Slaves undoubtedly assisted in the settlement of colonial North Carolina, though it would be very difficult to define just the worth of their performance. Farms were taken up with much greater rapidity, due to slave labor, while in addition the slave constituted property of comparatively high value.

#### INDOLENCE AMONG THE CAROLINA PLANTERS

As to the energy and labors of the Carolina planters there seems to be some confusion. There are tracts extolling the virtue of industry as exhibited by the Carolinians, and others bemoaning the fact that Carolina was possessed of an unusually fertile soil but that it profited the planters nothing because of their aversion to toil. And then there are accounts which erroneously assume that plantation life in North Carolina was quite similar to that in Virginia. Of the latter, Miss Catherine Albertson's *In Ancient Albemarle* may be taken as an example. She says, (page 48) "The well-to-do settlers with the families and servants established themselves upon large plantations." We have seen above that the "well-to-do settler" and "large plantation" was decidedly the exception. Again, (page 67) "The great planters in those early days in North Carolina spent their working hours looking after the affairs of their estates, settling the disputes of their tenants, and attending with their fellow-landed neighbors the sessions of the General Assembly, and of the courts." The fallacy in the statement lies in the fact that there were almost no "great" planters, hence there would be few disputes among the "tenants" to settle. Dr. Brickell says:<sup>49</sup> "The Lands being thus richly adorned, and the Planters enjoying all these Blessings, are as hospitable People as any in the World, to all that come to visit them, there being few House-keepers, but what live decently, and give away more Provisions to Coasters and Guests, that come to see them, than they expend amongst their own Families." As for this, it may be said that the Carolina planter could be hospitable at heart and still have very little of substance to offer. When we come to study the agricultural products of the colony we shall see that their "tables groaned (*not*) with dainties." And in that sparsely settled region travelers were few, and the planter would naturally ex-

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<sup>49</sup> John Brickell, *Natural History of North Carolina, 1737*, p. 11.

hibit his pleasure in welcoming a guest by providing the best he could offer, however unpretentious that offering might be. The purchased convicts and slaves encountered the harder toil of clearing and cultivating the lands.<sup>50</sup> But the work done by the negroes was at times negligible, and that little was done poorly, for they were in many cases forced to subsist on a measure of Indian corn per day, a little salt each week, and a scanty amount of clothing.<sup>51</sup> Bishop Spangenburg said in 1752 that with the exception of the production of corn and hogs, the work was poorly done.<sup>52</sup> Lawson affirms that he never saw a single acre of land in North Carolina managed as it should have been.<sup>53</sup> William Byrd, II, made a journey from his home in Virginia into North Carolina about 1721. So far as we know his account of the inhabitants is the only record of a stranger's impression since the visit of George Fox in 1672.<sup>54</sup> Being a Virginian of course Colonel Byrd was somewhat prejudiced, but allowing for that there must have been some foundation for the following oft-quoted picture of the natives of colonial North Carolina: "The men, for their parts, just like the Indians, impose all the work upon the poor women. They make their wives rise out of their beds early in the morning, at the same time that they lie and snore till the sun has risen one third of his course, and dispersed all the unwholesome damps. Then, after stretching and yawning for half an hour, they light their pipes, and, under the protection of a cloud of smoke, venture out into the open air; though if it happen to be never so little cold, they quickly return shivering into the chimney-corner. When the weather is mild, they stand leaning with both their arms upon the corn-field fence, and gravely consider whether they had best go and take a small heat at the hoe; but generally find reasons to put it off until another time. Thus they loiter away their lives, like Solomon's sluggard, with their arms across, and, at the winding up of the year, scarcely have bread to eat."<sup>55</sup> Miss Janet Schaw, on her visit to North Carolina in 1775, observed that the natives' "indolence makes them prefer what herbs they find growing wild to those that require the least attention to propogate."<sup>56</sup>

<sup>50</sup> F. L. Hawks, *History of North Carolina*, Fayetteville, 1858, II, p. 233.

<sup>51</sup> A. L. Fries, *Records of the Moravians in North Carolina*, I, 260.

<sup>52</sup> *Ibid.*, I, 39.

<sup>53</sup> John Lawson, *History of North Carolina*, p. 83.

<sup>54</sup> H. A. Smith, *The Thirteen Colonies*, p. 375.

<sup>55</sup> Colonel William Byrd, *The Westover Manuscript*, pp. 27-28.

<sup>56</sup> *Journal of a Lady of Quality*, E. W. and O. M. Andrews, p. 174. Cf. *Ibid.*, p. 153; and John Brickell's *Natural History of North Carolina*, p. 11.



Dr. Brickell (page 55) complained of a "scarcity of sufficient Hands to cultivate this noble and fertile soil." Governor Dobbs explained this by the warmth of the climate and the production of fruit and cattle without much effort. The Governor also said that artificers and labourers were scarce in proportion to the number of planters, hence their work was slovenly done, and even then demanded and received wages of from two to five shillings per day, North Carolina currency. So the only hope of the planter lay in slave labor.<sup>57</sup> Though there were not enough slaves to develop the executive ability of the planters of Maryland, Virginia, and South Carolina; there was enough to do the hardest manual labor and to make the planters despise it.<sup>58</sup> So we may feel safe in accepting the characterization of Governor Dobbs, that the inhabitants of colonial North Carolina were "poor through indolence."<sup>59</sup>

#### SUMMARY OF PART ONE

Glowing accounts of the province of Carolina were written before scarcely anything was actually known of the land or its productions. These may be attributed to the splendidly developed imaginations of the writers of the period, or to willful misrepresentation in order to secure an early settlement of the colony. Quitrents were, in effect, taxes paid by the settler upon his lands. Because for a time the North Carolina quitrents were much higher than those demanded in Virginia, there was confusion, and, in addition, a retardation of settlement and agriculture. The proprietors, in order to develop Carolina, granted land on comparatively easy terms, but as time passed land became more difficult to secure. Due to irregularities in the issue of patents the land office was temporarily closed. From the records extant, few in number, it appears that the planter in North Carolina holding thousands of acres was the exception rather than the rule. The lands along the coast were tillable but not nearly so fertile as those inland about the headwaters of the rivers and the almost undeveloped lands of the "Western Country." The possibilities lying in the drainage of the eastern swamps were even then recognized. The movement toward the West vacated many eastern plantations, which were cheaply purchased

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<sup>57</sup> *Colonial Records*, vol. V. 315.

<sup>58</sup> H. A. Smith, *The Thirteen Colonies*, p. 376.

<sup>59</sup> *Colonial Records*, V, 640.

by newcomers, mostly from the North. The mode of husbandry was to effect a clearing, erect a log house, make a crop, and in a few years duplicate this process, until one became the owner of a respectable plantation. These plantations, in the east at any rate, were almost exclusively located upon the rivers, that communication and transportation might be facilitated. North Carolina's population increased at a fairly regular rate from about 3,500 inhabitants in 1694 to 181,000 in 1776. Generally speaking, the seaboard counties (eastern) were slaveholding, while those of the west were not slaveholding, (at least during their early development). The ratio of blacks to whites increased from one to six in 1709 to ten to thirty-nine in 1767. It is certain that the development of North Carolina did not progress as rapidly as her fertile soil would have permitted. This is partly explained by the warm climate, but the greatest reason seemed to be the natural indolence of the natives, who, Micawber-like, were constantly "waiting for something to turn up."

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## PART II

### TOBACCO IN COLONIAL NORTH CAROLINA

North Carolina took to raising tobacco at an early date, for in 1677, the little colony produced 800 hogsheads of this commodity.<sup>60</sup> Tobacco, along with grain, became the staple crop. By 1775, at the end of the colonial period, her export trade in tobacco amounted to \$80,000, about twenty per cent of her total exports.<sup>61</sup> There was practically no trade at that time in manufactured tobacco, the raw leaf was exported, to be manufactured abroad.<sup>62</sup> North Carolina's tobacco was grown mostly in Albemarle and the counties near the Virginia line.<sup>63</sup> In accordance with the navigation laws of the time, tobacco should have paid an export tax of about a penny a pound. But North Carolina was no exception to the general colonial rule in breaking the Navigation Acts when they became financially burdensome. As early as 1677 we have reference to a tobacco trade with

<sup>60</sup> F. X. Martin, *History of North Carolina*, I, p. 166.

<sup>61</sup> Meyer Jacobstein, *The Tobacco Industry in the United States*. Vol. 26 of the Columbia University Studies, New York, 1907, p. 28.

<sup>62</sup> *Ibid.*, p. 29.

<sup>63</sup> J. W. Moore, *History of North Carolina*, p. 64.

New England.<sup>64</sup> This was done by the vessels of New England, drawing very little water, penetrating the sounds, inlets, and rivers of the eastern coast, evading the few customs officials, storing the tobacco on board, and returning to New England, the Carolina tobacco usually finding its ultimate destination in Scotland. To prevent this, Edward Randolph in 1695 ventured the radical suggestion that North Carolina should be annexed to Virginia.<sup>65</sup> But the most of the tobacco grown in North Carolina went either to or through Virginia.<sup>66</sup> Bishop Spangenberg said that it was generally taken to Suffolk or Norfolk, the Carolinian being forced to receive in payment whatever the Virginian chose to give him.<sup>67</sup> Tobacco being North Carolina's staple crop Virginia had it in her power to throttle Carolina prosperity, and in a measure this she did. Beginning in 1679, Virginia enacted a series of laws continuing through the Proprietary period, prohibiting the importation of Carolina tobacco, under penalty of forfeiture of this product.<sup>68</sup> Doyle claims that these acts were due to the poor quality of the North Carolina product, but if he can be mistaken in regard to one aspect of the tobacco trade,<sup>69</sup> it is quite likely that he is mistaken in this opinion, especially when we are fairly certain that the North Carolina tobacco was of a good grade.<sup>70</sup> European vessels frequently crossed from Virginia to Carolina in search of a tobacco cargo, it being secured in the latter colony without a duty. The law of 1679 was reenacted by Virginia in 1705, and with increased penalties in 1726.<sup>71</sup> Tobacco was North Carolina's money crop, and these non-importation acts of Virginia were cruel blows, forcing her to carry on clandestine trading operations. These Virginia laws along with the Indian danger (which continued until about 1715) and the irregularities of the Proprietors' land system, do much in explaining the backwardness of North Carolina in comparison with her more fortunate sister colonies.

<sup>64</sup> *Colonial Records*, I, 272.

<sup>65</sup> *Calendar of State Papers, America and West Indies, 1693-1696*, p. 626.

<sup>66</sup> Cf. The tract entitled "The Importance of the British Plantations in America," London, 1731.

<sup>67</sup> A. L. Fries, *Records of the Moravians, in North Carolina*, I, p. 38.

<sup>68</sup> *Colonial Records*, I, XXII; *Colonial Records* II, 773; *Hening's Virginia Statutes*, III, p. 253.

<sup>69</sup> As he was when he said that there was no government inspection in North Carolina, J. A. Doyle, *The Colonies under the House of Hanover*, London, 1907, p. 56. For a denial of this one reference will be sufficient: F. X. Martin, *History of North Carolina*, II, p. 133.

<sup>70</sup> Brickell, p. 56; Hawks, p. 235.

<sup>71</sup> *Colonial Records*, II, 774; *Hening's Virginia Statutes*, IV, p. 195.

## GRAIN

Tobacco had a close second in grain as North Carolina's leading staple. Grain in North Carolina was of two kinds, Indian corn (maize) and European wheat, though both of these were designated at that time as corn. According to Brickell, the wheat harvest in June was followed by the planting of Indian corn which in turn was mature by the autumn months, and when harvested served as feed for the horses, hogs, and poultry. It was said in England that one acre of Carolina land would produce from eighteen to thirty barrels of Indian-corn.<sup>72</sup> Plows gave way to the hoe in the planting of corn, and the fertile Carolina soil increased the outlay in manifold abundance.<sup>73</sup> Corn was the principal grain crop of the Moravians.<sup>74</sup> A contemporary traveler said that white, yellow, and red clay soils yielded the best crops of Indian-corn. In the interior he said he had seen corn "the stalks of which measured 18 foot long; and they told us, that the year before that they had 800 bushels of corn off 9 acres of that land."<sup>75</sup> The soil produced year after year crops of Indian corn without being fertilized.<sup>76</sup> Crop failures in North Carolina were infrequent, but when these did occur, suffering was only the more intense. Two such failures of the Indian corn crop, occurred in the years 1758 and 1766. Ordinarily the slaves were fed upon Indian corn, and when in 1766 the crop failed, in their extremity the planters began feeding their slaves upon their stocks of cattle and apples, this diet enduring until September first when the potatoes would come in and assist in relieving the suffering.<sup>77</sup> To guard against any such eventuality, an act was passed by the Assembly in 1753 prohibiting the exportation of grain in the time of scarcity.<sup>78 79</sup>

Brickell affirmed that wheat increased as much as a hundred fold. The planters never exerted themselves to secure the largest possible yields, the soil received little or no attention, and when crops

<sup>72</sup> *Gentleman's Magazine*, XXV, 582 (1775)

<sup>73</sup> Dr. Brickell says seven or eight hundred for one measure, and in addition that "Pigs and Poultry fed with this Grain, eat the sweetest of all others," *Natural History of North Carolina*, p. 15.

<sup>74</sup> A. L. Fries, *Moravian Records of North Carolina*, I, p. 209.

<sup>75</sup> Hugh Meredith, *An Account of the Cape Fear Country, 1731*, pp. 19-20

<sup>76</sup> John Brickell, *Natural History of North Carolina*, p. 12.

<sup>77</sup> *Colonial Records*, VII, 247; A. L. Fries, *Records of the Moravians, in North Carolina*, I, 209.

<sup>78</sup> *Colonial Records*, XXV, 255.

<sup>79</sup> Another interesting act was that of 1715 entitled, "An Act for raising corn to satisfy the Debt due from this Government to the Honorable Charles Craven, Esquire, Governor of South Carolina, *Colonial Records*, XXIII, 90.



did thrive as they undoubtedly did thrive, we may accredit colonial North Carolina with possessing an extraordinarily fertile soil. The western counties raised a great deal of wheat, even to the extent of paying most of their public dues in that commodity, though they realized for it but one shilling a bushel.<sup>80</sup> The Moravians, far in the interior, transported part of their surplus wheat to Cape Fear, and there received for it salt, bushel for bushel. At Wachovia the price of a hundred pounds of flour was twenty shillings.<sup>81</sup> In 1773 Governor Martin wrote, "Indian corn My Lord is the Grain mostly cultivated in this Province, but I learn that the farmers here . . . are going more and more upon wheat."<sup>82</sup>

It appears that, due to the vast amount of attention in comparison given to the production of wheat and corn, the lesser grain crops were considerably neglected. Rye was grown, but the black bread made from it did not appeal very strongly to the natives.<sup>83</sup> Barley required great care in its production, especially in regard to the preparation of the soil, and taking into consideration the natural aversion that the inhabitants had for labor, we can easily understand why this grain was almost unknown. Oats were grown to a very limited extent,<sup>84</sup> as was also millet, at least by the Moravians.<sup>85</sup>

#### RICE, INDIGO, HEMP, FLAX, AND COTTON

The culture of rice in North Carolina began in 1735 with the coming of the Moores and their friends, who brought with them some twelve hundred slaves, presumably for this purpose.<sup>86</sup> The part of North Carolina devoted to the culture of rice was the lower counties of the Wilmington district, the swamps bordering the Cape Fear River being deemed very rich and well calculated for rice culture.<sup>87</sup> The rich, black earth which was believed to be best suited for rice<sup>88</sup> was found in the low, flat grounds of the swamps, sometimes near enough to the sea to be overflowed by the tide, sometimes far up the rivers and hence not so subject to the tidal waters.

<sup>80</sup> John W. Moore, *History of North Carolina*, p. 78.

<sup>81</sup> A. L. Fries, *Records of the Moravians*, I, pp. 276, 356.

<sup>82</sup> *Colonial Records*, IX, 621.

<sup>83</sup> A. L. Fries, *Records of the Moravians in North Carolina*, II, p. 575.

<sup>84</sup> John Brickell, *Natural History of North Carolina*, p. 15.

<sup>85</sup> A. L. Fries, *Records of the Moravians*, I, 103.

<sup>86</sup> S. A. Ashe, *History of North Carolina*, Greensboro, 1908, I, p. 258.

<sup>87</sup> F. X. Martin, *History of North Carolina*, II, p. 396.

<sup>88</sup> John Brickell, *Natural History of North Carolina*, p. 13.

Such swamps were rarely dry, nor on the other hand were they often wet enough to hurt the rice. To prepare these swamps for the culture of rice the cane was cut down, the small undergrowth cleared, the saplings and branches of the large trees were all heaped and burned. The trunks of these large trees were permitted to lie and rot, as rice was cultivated with a hoe, and probably also because this chimed with the natural inclination of the planter to let sleeping logs lie.<sup>89</sup> The time of sowing rice was from the 1st of April to the 20th of May, a peck being generally sufficient to sow an acre, which then produced between thirty and sixty barrels of rice, or as Dr. Brickell observes (p. 15) "yielding from eight hundred to a thousand for one measure that is sown." The rice was harvested during the latter part of September or the early days of October.<sup>90</sup> There were several sorts of rice, some bearded, some not, in addition to the white and red rice, the former of which was the best of all. It was claimed that North Carolina rice was the equal of any produced in America.<sup>91</sup> By 1739 large crops of rice were being prepared for export.<sup>92</sup> As in the case of corn a summer drought meant the failure of the rice crop.<sup>93</sup>

In North Carolina indigo and rice were grown in about the same districts, that is, the Wilmington and Cape Fear districts, in general, the eastern section of the State. Here the indigo plant did "thrive well," according to an observer.<sup>94</sup> In 1738 the Assembly received the report of George Lillington that he had brought the culture of indigo to perfection.<sup>95</sup> In 1772 some South Carolina planters visited the Cape Fear River and approved of the culture of indigo and rice in the swamps of that region. That year Mr. Dupree manufactured seven hundred weight of indigo.<sup>96</sup> But the Cape Fear rice and indigo culture were almost ruinously affected by the drought of 1773,<sup>97</sup> and with the approaching Revolution, the planters had many other affairs to claim their attention. It seems that the ultimate discontinuance of the culture of indigo in North Carolina was be-

<sup>89</sup> The above information was gained from Hugh Meredith's *An Account of the Cape Fear Country, 1731*, pp. 20-21.

<sup>90</sup> *Gentleman's Magazine*, XXV, p. 582 (1775).

<sup>91</sup> John Brickell, *Natural History of North Carolina*, p. 15.

<sup>92</sup> S. A. Ashe, *History of North Carolina*, I, 258.

<sup>93</sup> As evidenced by the failure of the rice crop in 1773, cf. *Colonial Records*, IX, 687.

<sup>94</sup> F. L. Hawks, *History of North Carolina*, II, p. 237.

<sup>95</sup> S. A. Ashe, *History of North Carolina*, I, p. 258.

<sup>96</sup> *Colonial Records*, IX, 364.

<sup>97</sup> *Ibid.*, IX, 687.

cause its fermentation proved injurious to the laborers who were preparing it for market,<sup>98</sup> and the occasional summer droughts worked havoc with the crop.<sup>99</sup>

Though the soil of North Carolina was suitable to the production of hemp and flax, little effort was directed toward these commodities during the colonial period. In 1760, Governor Dobbs recommended to the Assembly that encouragement should be given to the growth of hemp and flax.<sup>100</sup> This bore fruit in 1764 when the Assembly passed an act providing a bounty of sixteen shillings and eight pence for every hundred weight of hemp produced; and for every hundred weight of flax, thirteen shillings and four pence.<sup>101</sup> Remember, however, that this act was passed not so much to increase the prosperity of the Carolina planter as it was to provide British manufacturers with raw material. This bounty act expired in 1772, and in 1774 a committee recommended the revival of bounties upon hemp and flax.<sup>102</sup> But this industry just beginning to get upon its feet was dealt a telling blow by the Revolution. There is little doubt but that Carolina hemp and flax were of standard quality.<sup>103</sup>

Contrary to some writers' opinions, cotton was grown in North Carolina, and that at a very early date. When the planters from Barbados settled the first Charlestown, that on the Cape Fear River, in 1664, they brought with them cotton seed, which they planted.<sup>104</sup> Probably most of the planters raised cotton, though certainly not for exportation.<sup>105</sup> Lawson said that a great deal of cloth was made by the women from their cotton, wool and flax, some of them keeping their families appareled by this means. One need not elaborate upon the difficulties involved in cotton-raising; suffice it to say that at that time there was no cotton gin, and the Carolina planters faced the additional problem of protecting their green cotton from the bears.<sup>106</sup> Though the North Carolina cotton likely enough served the needs of the inhabitants, Governor Tryon recognized that it was

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<sup>98</sup> *Colonial Records*, V, XLI.

<sup>100</sup> *Ibid.*, VI, 499.

<sup>101</sup> *Ibid.*, XXIII, 613.

<sup>102</sup> *Ibid.*, IX, 911.

<sup>103</sup> Cf. *Georgia Historical Papers*, II, p. 54.

<sup>104</sup> S. A. Ashe, *History of North Carolina*, I, p. 76.

<sup>105</sup> F. X. Martin, *History of North Carolina*, II, p. 396.

<sup>106</sup> *Journal of a Lady of Quality*, E. W. and C. M. Andrews, p. 195.

not the equal of the splendid cotton of the West Indies.<sup>107</sup> North Carolina should be given the credit, or perhaps discredit, of witnessing the first appearance of the weevil. This insect first appeared there in 1728 and, gradually extended to the neighboring colonies of Virginia, Maryland and Delaware.<sup>108</sup>

That the planters were poorly equipped for the most productive work in agriculture is admirably brought out in the following extract from the journal of a traveler in North Carolina immediately preceding the outbreak of the Revolution: "On our arrival here the stalks of last year's crop still remained on the ground. At this I was greatly surprised, as the season was now so far advanced I expected to have found the fields completely ploughed at least, if not sown and harrowed; but how much was my amazement increased to find that every instrument of husbandry was unknown here; not only all the various ploughs, but all the machinery used is a hoe with which they at once till and plant the corn. To accomplish this a number of Negroes follow each other's tail the day long, and have a task assigned them, and it will take twenty at least to do as much work as two horses with a man and boy would perform. Here the wheel-plough would answer finely, as the ground is quite flat, the soil light and not a stone to be met with in a thousand acres.<sup>109</sup> A drill too might easily be constructed for sowing the seed, and a light harrow would close it in with surprising expedition. It is easy to observe however from whence this ridiculous method of theirs took its first necessary rise. When the new settlers were obliged to sow corn for their immediate maintenance, before they were able to root out the trees, it is plain no other instrument but the hoe could be used amongst the roots of the trees, where it was to be planted, and they were obliged to do it all by hand labour. But thro' this indolence some of them have their plantations still pretty much incumbered in that way, yet to do justice to the better sort, that is not generally the case. Tho' it is all one as to dressing the fields, the same absurd method continuing everywhere."<sup>110</sup> Bishop Spangenberg noted in 1752, that in a journey of one hundred and forty miles he saw "not one wagon or plough, nor any sign of one."<sup>111</sup>

<sup>107</sup> *Colonial Records*, VII, p. 429.

<sup>108</sup> P. X. Martin, *History of North Carolina*, I, 301.

<sup>109</sup> The reader should bear in mind that the author, Miss Schaw, is describing the coast regions, where soil conditions contrasted greatly with those of the distant interior.

<sup>110</sup> *Journal of a Lady of Quality*, E. W. and C. M. Andrews, pp. 163-164.

<sup>111</sup> A. L. Fries, *Records of the Moravians*, I, p. 39.



It would be difficult to say whether the lack of agricultural implements was one cause or one effect of the backwardness of North Carolina. The chances are that such lack savored both of cause and of effect. Along with Virginia's embargoes, the discriminating system of quitrents, the natural indolence of the planter, and now the lack of farming tools, we can very easily see why North Carolina's progress was so gradual. Without produce, which was in great fashion the result of the other conditions, the planter could secure no implements; without implements he could not produce. And so the vicious circle of agricultural stagnation continued to revolve.

#### MINOR AGRICULTURE PRODUCTS

North Carolina produced a very large quantity of honey, the inhabitants making this into an excellent mead, which greatly resembled Malaga wine.<sup>112</sup> As for vineyards, it had been predicted in 1650 that the vine would thrive beyond belief.<sup>113</sup> This was not the case, however, for in one of Governor Dobbs's letters is found the explanation of the poor quality of Carolina wine, i. e., that the grapes ripened too early, and burst with the late summer rains.<sup>114</sup> The wild grapes grew in abundance, and, though small, on account of their good flavor were a frequent article of diet.<sup>115</sup>

In a very limited way North Carolina has made amends for releasing upon her neighbors the destructive weevil. This she has done by giving to the world Timothy grass. The story goes that upon Durant's Neck lived a Quaker, Timothy somebody or other, who, coming upon a kind of grass growing wild, conceived that it might be worth cultivating. Some of the seed were sent to a friend in England who found the grass quite valuable, and, in honor of his Quaker friend who had found it, he called it Timothy grass.<sup>116</sup>

From North Carolina England also received her first potatoes. These were brought to England by Sir Walter Raleigh's returning colonists in 1585 or 1586, and were first cultivated on the estate of Sir Walter near Cork.<sup>117</sup>

<sup>112</sup> *Gentleman's Magazine*, (1755) XXV, p. 582.

<sup>113</sup> Peter Force, *Tracts*, III, Wash., 1844.

<sup>114</sup> *Colonial Records*, V, 355.

<sup>115</sup> E.g., see A. L. Fries, *Records of the Moravians in North Carolina*, I, 172.

<sup>116</sup> This information was gained from E. W. Caruther's *Life of David Caldwell*, Greensborough, North Carolina, 1842, note at bottom of page 52.

<sup>117</sup> *Encyclopedia Britannica*, XXII, p. 201.

The Indians, though knowing comparatively little of agriculture, did cultivate the potato.<sup>118</sup> It is indeed certain that the planters of North Carolina were as well supplied with the sweet potato as with any other article of diet. They were so plentiful that when the corn crop failed they were given to the slaves as food.<sup>119</sup> That they grew well in Carolina soil is evidenced by Brickell's statement (page 18) that some weighed four pounds. This may be an exaggeration, although it is entirely possible. The potato was a welcome feature of colonial diet, as it could be cooked in so many ways: roasted in the ashes, boiled, made into puddings, used as a substitute for bread, and made into pancakes which a foreigner said tasted as though composed of sweet almonds.<sup>120</sup> Nor was the Irish potato unknown in Carolina.<sup>121</sup>

Dr. Brickell writes of a "Bushel Bean, so called from producing a Bushel of Beans or more from one that is Planted; they are a spontaneous product in Carolina, and are set in the Spring around Arbours, or near long Poles set in the Ground for that purpose, where they make a good shade to sit under in the extreimity of hot weather; they continue Budding, Flouring, and Ripening all the Summer, until the approach of Frost, which prevents their further Growth, and so dye; they climb prodigious high, and their stalk is about the thickness of a Man's Thumb."<sup>122</sup> Also very plentiful was the Inidan Rouncival, or Miraculous pea, harvested late in the season. The Bonavis grew easily, requiring a very brief season sometimes of only six weeks. These and the calivances furnished annually two crops. The Indians had many kinds of pulse, for which the whites had no names. The kidney bean grew in great plenty, as did various sorts of European peas, such as the white and gray Rouncival, the Hotspur, the Dwarf, the Field, and the Sickie peas.<sup>123</sup>

The Moravian diary records in a matter-of-fact way the fact that for dinner on August 9, 1768, they had a white cabbage which weighed eleven pounds.<sup>124</sup> Such is, it would seem, extraordinary for North Carolina, yet such a cabbage is possible, and the Moravians of

<sup>118</sup> *Colonial Records*, I, 934.

<sup>119</sup> *Ibid.*, VII, 247.

<sup>120</sup> A. M. Earle, *Home Life in Colonial Days*, New York, 1898, p. 145.

<sup>121</sup> A. L. Fries, *Records of the Moravians in North Carolina*, II, 573.

<sup>122</sup> John Brickell, *Natural History of North Carolina*, pp. 16-17.

<sup>123</sup> The above was derived from Brickell's *Natural History of North Carolina*, pp. 17-18.

<sup>124</sup> A. L. Fries, *Records of the Moravians in North Carolina*, I, 379.

Pennsylvania today produce cabbages of that size. Red Cabbages also grew in abundance. The Moravians also raised cantaloupes and watermelons, though with these they were not entirely successful.<sup>125</sup> They were, however, successful in their production of broom corn, which they called "Neyer" corn.<sup>126</sup>

Asparagus grew plentifully in the province, almost without attention, hotbeds and fertilizer being unnecessary. Parsley was grown but the planters took no care in preserving good seed, hence its cultivation was not so widespread, nor of so good a variety. The names only of the other minor agricultural products will be given, as no purpose would be served in going into detail concerning them. During the colonial period North Carolina also produced lettuce, various varieties of cresses, purslain (both tame and wild), mushrooms, sorrel, cauliflowers (though of poor quality), artichoke (to a very limited degree), muskmelons (of several sorts), cucumbers, pompions, burmillions, cashaws, squashes, symnals, gourds, carrots, skirrets, turnips, radishes (garden and horse), onions in great quantities, cives, garlic, spinach, parsnips, and beets.<sup>127</sup>

Though the planters of North Carolina did not pretend to be horticulturists, yet they did produce a great deal of fruit, much of it probably of an excellent type. The most common fruits were apples and peaches, and often were so plentiful that they were given to the hogs.<sup>128</sup> At times peaches were secured from the Indian towns.<sup>129</sup> Other fruits that were by no means uncommon were pears, apricots, cherries, and quinces. Plums probably did not do so well for a premium of £50 was offered for five hundred pounds.<sup>130</sup> Olives trees were also placed at a premium: one planting one thousand trees should receive £40; eight hundred trees, £30; and for six hundred trees, £20.<sup>131</sup> No records of olives produced in North Carolina have been found by the author, so it is very likely that these premiums went unclaimed.<sup>132</sup>

<sup>125</sup> A. L. Fries, *Records of the Moravians in North Carolina*, Vol. I, p. 111.

<sup>126</sup> *Ibid.*, II, p. 575.

<sup>127</sup> This information was secured from Brickell and from the *Moravian Records*.

<sup>128</sup> F. X. Martin, *History of North Carolina*, II, p. 397.

<sup>129</sup> *Colonial Records*, II, 28.

<sup>130</sup> A. L. Fries, *Records of the Moravians in North Carolina*, II, p. 586.

<sup>131</sup> *Ibid.*, II, p. 584.

<sup>132</sup> From the *Moravian Records*, II, p. 585, we learn, too, that a bounty of two shillings, six pence was offered for each pound of opium produced from poppy seed. Directions are given for making Turkish opium. Nothing more was found concerning this hoped-for industry.

## CATTLE, HOGS, AND THE LIKE

Domestic animals were carried into North Carolina by the first settlers. The colonists from Barbados (1664) took with them cattle, horses, hogs, and poultry to the Cape Fear. The Albemarle settlers secured their animals mostly from the Virginians, although some were brought from so far as New England.<sup>133</sup> The oldest extant records of North Carolina, those of a court held by President Harvey who came out in 1679 or 1680, show that cows then were valued at £400.<sup>134</sup> Carolina pork coming to be comparatively famous, it is well to examine this subject in some detail. Indirectly the soil was responsible for this, for, as we have already seen, Indian corn was produced in great quantities by this fertile soil, the corn in turn being fed to the stock, and likewise the fodder. We find divergent accounts as to the facility of cattle-raising in North Carolina. Dr. Brickell (pp. 9-10) says, "Horses, cows, sheep, and swine, breed (ing) in vast numbers, the Winter being very short, and that so mild, the Planters are at little or no Labour or Expençe in providing Fodder for their Stocks, to what other northerly countries are. For in the Winter they only fell large Trees, whereon grow long Moss, which the Horses and cows feed upon, and makes them both fat and strong; the cows will produce milk, with this kind of Fodder, all the Winter Season, in great plenty." On the other hand Bishop Spangenberg wrote in his diary in 1752,<sup>135</sup> "Cattle and horses must look out for themselves in winter,—if they live, they live. No hay is given them, for no one makes meadows; fodder does not go far; and who could feed them on grain? So ordinarily in winter there is neither milk nor manure, and when spring comes the animals are so reduced by hunger and cold that they hardly recover before fall."<sup>136</sup> Undoubtedly many immigrants accepted without question such writings as those of Brickell, and attempted to raise cattle without adequate shelter or feeding. This was detrimental to animal husbandry in the colony, and the marvel is that so much was accomplished in spite of such conditions. Especially

<sup>133</sup> F. L. Hawks, *History of North Carolina*, II, p. 233.

<sup>134</sup> F. X. Martin, *History of North Carolina*, I, p. 166.

<sup>135</sup> A. L. Fries, *Records of the Moravians in North Carolina*, I, p. 39.

<sup>136</sup> J. A. Doyle says in *The Colonies under the House of Hanover*, p. 204, that "a class of indolent and thriftless settlers have been attracted by the story (according to Spangenberg) that in North Carolina cattle could run out all through the winter without any special feeding." It is extremely hard to correlate this view with the diary extract quoted above.



were cattle and hogs raised by those planters possessing plantations at a distance from navigable streams. Here the hides of the cattle and barreled meat were made use of in great quantities.<sup>137</sup> The plantations on the rivers, as we have seen, were far more numerous, and here also cattle and hogs were raised extensively. We can readily imagine that swine would require relatively little attention from the planters. There were woods in plenty, with acorns and nuts galore, and shady streams which formed a veritable paradise for these animals. Brickell claimed that "the Pork exceeds any in Europe for Goodness."<sup>138</sup>

In regard to horses and cattle Bishop Spangenberg and Dr. Brickell take opposite sides. The former says that "horses and cattle are (so) small in the part of North Carolina which we have seen, not larger than English colts and yearling calves,"<sup>139</sup> while the latter declares that the "Horses are . . . generally about thirteen or fourteen hands high."<sup>140</sup> Allowance, however, must be made for the fact that Spangenberg was describing the horses of the interior, and Brickell, those of the coast regions. The horses were never shod, as the ground was in most places soft, and covered with grass.<sup>141</sup>

The cows were permitted to run in the woods during the day. At night they returned to penfolds erected adjacent to the planter's cabin, where they were shut up with their calves for protection against wild beasts. Slaughtering was done, sometimes in the fields, sometimes in the penfolds. The animal was shot, the head and feet cut off, and the entrails removed. The fat of the latter was carefully preserved. Slaughtering occurred on occasion, though usually in October and the cool months, the meat then being prepared for export.<sup>142</sup> Along with bread, beef and pork formed the most common part of the colonial planter's diet.<sup>143</sup>

Cattle and hogs played a curious and important part in the French and Indian War, at least so far as North Carolina was concerned. Carolina troops assisted in the prosecution of the war in the Northern colonies. There was little or no silver, gold, or English

<sup>137</sup> F. X. Martin, *History of North Carolina*, II, p. 396.

<sup>138</sup> John Brickell, *Natural History of North Carolina*, p. 55.

<sup>139</sup> A. L. Fries, *Records of the Moravians in North Carolina*, I, p. 39.

<sup>140</sup> John Brickell, *Natural History of North Carolina*, p. 53.

<sup>141</sup> *Ibid.*, p. 53.

<sup>142</sup> *Ibid.*, pp. 51-52.

<sup>143</sup> *Colonial Records*, I, 713.

money in the province, and the North Carolina Proclamation money was not recognized outside the colony. So in order that her troops might be paid, North Carolina had cattle or hogs either driven along with the troops or later sent to them, these being sold for local currency and the troops receiving payment in such local currency. At times pork was bought at home, shipped to Virginia, and there sold for the same purpose. For North Carolina this was a losing proposition in that the products were placed upon a dull market and offered under well known necessity.<sup>144</sup>

For various reasons, animal husbandry was not the easy, delightful occupation that Dr. Brickell depicted it. It may be said at the outset, however, that the planters countenanced no competition in this field by the slaves.<sup>145</sup> North Carolina cattle were not immune to the distemper, and annually the planters lost numbers of their stock from this cause.<sup>146</sup> Before the Tuscarora War ended the Indian menace (about 1712) the planters were given quite a bit of trouble by the redskin cattle-thieves. Many of these then escaped with the stolen cattle into Virginia, and brought about correspondence between the officials of the two governments (North Carolina and Virginia) in regard to the apprehension and punishment of the malefactors.<sup>147</sup> And not only were the Indians guilty of stealing horses and cattle. There were many white ruffians in colonial North Carolina, social disorder was frequent,<sup>148</sup> and crimes such as altering and defacing brands, mismarking and misbranding cattle, to say nothing of actual horse-stealing and cattle rustling, went on apace, even though the Assembly legislated against it rather frequently.<sup>149</sup> Even the peace-loving Moravians were molested in this manner, for Bishop Spangenberg records in his diary that bands of horse thieves "constantly show their skill in this neighborhood."<sup>150</sup> As if this were not enough for the planter raising cattle to contend with, their cows were even intercepted by the negroes and milked.<sup>151</sup>

<sup>144</sup> *Colonial Records*, V, XI; V, 561; V, 795; VI, 286.

<sup>145</sup> An act of 1741 forbade, under any circumstances, the raising of horses, cattle, and hogs by slaves. Cf. F. X. Martin, *Public Acts of North Carolina from 1715 to 1790*, Newbern, 1804, p. 64.

<sup>146</sup> The legislature fruitlessly encouraged measures to eradicate the evil. Cf., e.g. *Colonial Records*, VIII, 132.

<sup>147</sup> *Colonial Records*, I, 751.

<sup>148</sup> Cf. J. S. Bassett, *The Constitutional Beginnings of North Carolina*. (Johns Hopkins University Studies 1894), XII, pp. 111-112.

<sup>149</sup> *Colonial Records*, IX, 395; XXIII, 57. In 1790 horse-stealing was made punishable by death without benefit of clergy, *Colonial Records*, XXV, 74.

<sup>150</sup> A. L. Fries, *Records of the Moravians in North Carolina*, I, p. 41.

<sup>151</sup> *Journal of a Lady of Quality*, E. W. and C. M. Andrews, p. 177.

Sheep were cared for in a manner similar to that of caring for cattle. Inclosures were built for them, and, like the cows, at night they were driven into penfolds for protection.<sup>152</sup> Though the sheep seemed to thrive well enough in North Carolina, producing a high grade of wool, the industry never assumed a position of very much importance. As the wool of a small number of sheep was naturally inconsiderable in quantity, it was generally mixed with cotton in the manufacture of cloth.<sup>153</sup>

North Carolina was suitable to the raising of goats, but this industry did not thrive at all, for the very good reason that the goats proved to be unworthy of the time and trouble consumed in managing them. On occasion they could play havoc with a coming crop or promising fruit trees.<sup>154</sup>

There was no dearth of poultry in North Carolina, geese, various kinds of ducks, turkeys, chickens, and even pigeons being found in large numbers.<sup>155</sup> Poultry-raising would almost naturally be carried on along with farm work, although the planters never went into this line of work exclusively. The poultry probably received less attention from the inhabitants than the care of any animals mentioned above, as they could get on well enough with the scraps of food from the kitchens, or, without this, there was abundance of good picking about the woods and fields. It was when the chicks were first hatched that great mortality occurred, Miss Schaw recording that "not a tenth part of what is hatched ever come to perfection, tho' those that do escape their nursing come on prodigiously fast."<sup>156</sup>

Inasmuch as beef and pork were the second most valuable of North Carolina's products, and as they are so clearly related to agriculture, it is felt advisable to devote at this point some space to the consideration of the export trade in these commodities. Despite Bishop Spangenberg's statement to the contrary,<sup>157</sup> it is evident that the selling of cattle in Virginia was a source of respectable income to the planters of North Carolina. The hogs and cattle were driven on foot to Virginia, there sold on the hoof to the buyer, who paid for the meat by weight after slaughtering had taken place.<sup>158</sup>

<sup>152</sup> John Brickell, *Natural History of North Carolina*, p. 54.

<sup>153</sup> *Colonial Records*, VII, 429.

<sup>154</sup> John Brickell, *Natural History of North Carolina*, p. 55.

<sup>155</sup> *Ibid.*, p. 55.

<sup>156</sup> *Journal of a Lady of Quality*, E. W. and C. M. Andrews, p. 166.

<sup>157</sup> A. L. Fries, *Records of the Moravians in North Carolina*, II, p. 630.

<sup>158</sup> *Ibid.*, p. 39.

This represented one loss to the planter, and another that he encountered at times was the loss of cattle stolen on the way to Virginia by the drovers.<sup>159</sup> From Virginia this beef and pork was shipped to the West Indies; rum, sugar, and molasses imported in exchange, and these latter commodities in turn sold for cash to the Carolinians.<sup>160</sup> The question naturally arises, why did the Carolina planters not prepare pork and beef for export themselves, instead of permitting the Virginians to pocket the profits? (It may be said here that an inconsiderable amount was so prepared and exported, but that will be considered in a moment). In the first place, and perhaps the most cogent reason of all, the preparation of beef and pork required salt of a particular quality. English salt was found to be too mild, salt from the Isle of Man was too strong, and the salt from Spain and Portugal which served their purpose so admirably was prohibited the Carolina colonists by Act of the British Parliament. Twenty thousand bushels of salt were required annually for this industry.<sup>161</sup> Again, North Carolina never developed an important ocean commerce by virtue of the fact that she possessed no respectable harbors. Then a very large percentage of the cattle were raised in the interior of the colony, and thus due to the terrain it would be just about as easy to drive the cattle across the Virginia line as to drive them to any Carolina export town. In addition, it is by no means absurd to consider the fact that the inhabitant of North Carolina would prefer to drive his cattle across to Virginia and let the people of the latter province do the actual work of slaughtering and preparing the meat for export, if it did mean fewer returns to the Carolinian, for it certainly cannot be said that work was his affinity. Even as early as 1729, when North Carolina became a royal province, this practice of driving cattle and hogs to Virginia had assumed large proportions. No figures for the number of cattle were available, but the number of hogs annually driven to Virginia was estimated to be from thirty to fifty thousand.<sup>162</sup>

<sup>159</sup> *Colonial Records*, II, 762.

<sup>160</sup> A. L. Fries, *Records of the Moravians in North Carolina*, I, p. 39.

<sup>161</sup> *Colonial Records*, V, 322; *C. R.*, IX, 269-270; Governor Dobbs wrote that hickory ashes were used for salt, but even had they been of proper quality, they could never have been produced in sufficient quantity for the salting of meat; *Ibid.*, V, 363.

<sup>162</sup> *Colonial Records*, II, 762; *C. R.* II, 621; John Brickell, *Natural History of North Carolina*, p. 52.



As above stated, North Carolina did export in a very small way beef and pork. This trade was negligible and might be passed over, but it admirably depicts commercial ethics of the time, and a reference to it should not be amiss. In justice to the people of North Carolina, however, it may be said that such practices were not peculiar to that colony nor to that industry. In his message to the Assembly, November 22, 1757, Governor Dobbs said:

"The inspecting Act is most grossly abused in respect to Beef and Pork in the manner of killing and packing by putting in unmerchantable Beef and Pork, killed when it is hot, not bled properly, and rolled in the sand and dirt to add to the weight, for want of having houses to hang it up in, and casks to contain the pickle, by which means it is blown (frowned) upon in foreign markets and sold under half price."<sup>163</sup> Whether "the want of having houses to hang it up in" was due to the indolence of the settler may perhaps be left for the reader to decide.

#### COMMODITY MONEY AND COMMODITY PRICES

Due to the English mercantile system there was little of the coin of England in the American colonies. Therefore the colonies issued paper money based upon their own resources; in North Carolina such was known as "Proclamation Money," or "Proc." But in much of the trading that went on even proclamation money was not used, trading in kind or barter occurred. This was greatly facilitated by the Assembly's bestowing upon certain commodities a value represented in either proclamation money or that of England,<sup>164</sup> and even poll taxes might be paid in these commodities.<sup>165</sup> The designated commodities were tobacco, hemp, rice, and indigo, though in their own trade with one another the North Carolinians probably used more corn and pork (along with tar and pitch, which were not agricultural products) than they did the officially designated commodities.<sup>166</sup> Legal prosecutions were entered, the defendant to make payment in corn or pork.<sup>167</sup>

Prices of cattle and food products varied from time to time due to poor crops, war, and even the particular section of the colony

<sup>163</sup> *Colonial Records* V, 870.

<sup>164</sup> In the Seventeenth Century the accounts of the court had been kept in pounds of tobacco, F. X. Martin, *History of North Carolina*, I, p. 166.

<sup>165</sup> A. L. Fries, *Records of the Moravians in North Carolina*, II, p. 630.

<sup>166</sup> *Ibid.*, II, p. 630; *Colonial Records*, I, 715.

<sup>167</sup> *Colonial Records*, I, 610.

in which the sale was made. Likewise varied the ratio between the English pound sterling and proclamation money. That there was a considerable difference in value between the two is seen if we take the year 1709 for example when roughly the relation of proclamation money to sterling was as one to three, that is, a Carolina plantation worth £100 English sterling would bring £300 proclamation money.<sup>168</sup> Unless specifically stated, one can assume that a given commodity value was reckoned in proclamation money, although this is by no means infallible. About 1700 sheep had a value of ten shillings; cows, thirty shillings; and shoats, five shillings.<sup>169</sup> In 1731 the Assembly established the following commodity prices:

	L	s	d
Tobacco, per hundred-weight		11	<sup>170</sup>
Indian corn, per bushel		2	
Wheat, per bushel		4	
Pork, per barrel	2	5	
Beef, per barrel	1	10	
Rice, per hundred-weight		12	<sup>171</sup>

The same year Governor Burrington wrote: "the greatest price ever given in North Carolina for an Improved Plantation, Buildings and all included has not exceeded a Thousand Pound in Bills, which sixty pounds worth of Commodities from England will sell for, the reason is, the small Value the Planters receive for their Produce, a Bushell of wheat is given for six penny worth of English goods, a Bushell of Indian corn, peas, beans and other Pulse, for what costs four pence."<sup>172</sup> The value of cattle had advanced from five to thirty shillings in 1700 to from forty to fifty shillings per head in 1754; and cattle being procured more cheaply in South Carolina, many planters made their purchases there.<sup>173</sup> In 1768 the sheriffs were authorized to receive in payment of taxes: rice, at twelve shillings per hundred-weight; and indigo, at four shillings per pound.<sup>174</sup> This was likely part of the general policy of the Assembly at this

<sup>168</sup> *Colonial Records*, I, 715.

<sup>169</sup> Samuel A. Ashe, *History of North Carolina*, I, p. 152; a hand mill for grinding meal was £6; *Ibid.*

<sup>170</sup> This was changed to 9 shillings sterling in 1740. *Colonial Records* IV, 1120; and increased to 15 shillings in 1768; A. L. Fries, *Records of the Moravians in North Carolina*, II, 630.

<sup>171</sup> *Colonial Records*, III, 168.

<sup>172</sup> *Ibid.*, III, 337.

<sup>173</sup> A. L. Fries, *Records of the Moravians in North Carolina*, I, p. 111.

<sup>174</sup> *Colonial Records*, XXIII, 782.

period to encourage the production of these commodities. We can gain some idea of fresh meat prices about the beginning of the Revolution from the Salem Minute Book of the Moravians. Beef sold for two pence per pound; mutton, two and a half pence per pound. Corn was daily offered for sale at two shillings, two pence per bushel.<sup>175</sup>

#### AGRICULTURAL EXPORTS

With the exception of tar and pitch almost all the exports of Colonial North Carolina were agricultural in nature. Some mention of this export trade has already been made, but it is worth a somewhat more detailed treatment. We have seen that the Carolinians traded indirectly through the merchants of Virginia, and that they had almost no export trade of their own. Governor Burrington, in 1736, felt that North Carolina was losing half the value of her goods by this indirect commerce.<sup>176</sup> He estimated that the exports annually going into Virginia amounted to £50,000, and the Virginia merchants felt that this estimate was too small by a sixth.<sup>177</sup> Virginia was devoted primarily to the raising of tobacco, and with the possible exception of Indian-corn, looked to Carolina to provide her with food supplies.<sup>178</sup> North Carolina, too, and especially in war time, supplied the Virginia tobacco-fleets.<sup>179</sup> In addition to cattle and hogs being driven to Virginia, North Carolina exported Indian-corn, wheat, peas, potatoes, rice and tobacco.<sup>180</sup> To Jamaica, Barbados, and the Leeward Islands North Carolina exported beef, pork, grain, and some pulse,<sup>181</sup> in addition to the same products being sent to New England. That her exports did come to be considerable is shown by the fact that in 1752 North Carolina exported 61,580 bushels of corn, 10,000 bushels of peas, 3,300 barrels of pork and beef, 100 hogsheads of tobacco, besides quantities of wheat, rice, indigo and potatoes.<sup>182</sup>

That North Carolina badly needed export inspectors we have seen from the methods used in preparing pork for export. But it

<sup>175</sup> A. L. Fries, *Records of the Moravians in North Carolina*, II, p. 899.

<sup>176</sup> *Colonial Records*, IV, pp. 171-172.

<sup>177</sup> *Ibid.*

<sup>178</sup> F. L. Hawks, *History of North Carolina*, II, p. 234.

<sup>179</sup> J. Lawson, *History of North Carolina*, p. 88.

<sup>180</sup> John Brickell, *Natural History of North Carolina*, p. 43; *The South in the Building of the Nation*, I, p. 441.

<sup>181</sup> *Gentleman's Magazine*, (1755) XXV, p. 582.

<sup>182</sup> F. X. Martin, *History of North Carolina*, II, pp. 59-60; due to the famine of 1753, no grain whatever was to be exported, through the port of Brunswick, *Colonial Records*, V. 32.

was not until 1750 that inspectors of commodities intended for exportation were appointed for the ports of Brunswick and Wilmington; in addition to naval stores, rice, beef, and pork were made liable to inspection.<sup>183</sup> Indigo was made liable to inspection in 1755.<sup>184</sup> In 1760 Governor Dobbs recommended that flour be made an inspectable commodity in the southern ports.<sup>185</sup> In 1764 a thorough-going inspection act was passed, making, in addition to the above articles, hemp, flax, flax-seed, and butter, liable to inspection, not only before exportation, but even before sale. One or more inspectors were to be appointed in each county.<sup>186</sup> It is very doubtful, however, that this act was strictly enforced, especially in regard to the pre-sale inspections. In 1770 practically the same law was reënacted.<sup>187</sup>

#### AGRICULTURAL PROGRESS OF THE COLONY

In the little more than a century of the history of colonial North Carolina can be traced a steady, gradual improvement in agriculture. The growth of agriculture and the expansion of the colony went on side by side. In 1677 the province consisted of a few inconsiderable plantations, producing some Indian corn, eight hundred hogsheads of tobacco, and a few cattle.<sup>188</sup> From that time on additional crops were introduced until the colony's agriculture became quite varied. By 1706 North Carolina was producing "tobacco as good as Spanish, delicious peaches of 24 ounces from which are made rare wines and excellent brandyes, and when dried are an exceeding good sweetmeat, tho' at present many are given to ye hogs by reason of ye plenty."<sup>189</sup> The following year saw pork mentioned as an article of produce,<sup>190</sup> though hogs had of course been introduced long before.

Just when agriculture was becoming fairly well established the Tuscarora War burst upon the colony (1711) and it took some years for agriculture to regain the status it had occupied before the war.

<sup>183</sup> F. X. Martin, *History of North Carolina*, II, p. 57.

<sup>184</sup> *Ibid.*, p. 82. Martin contradicts himself in regard to inspectable commodities, for on page 57, Volume II, he mentions rice, beef, pork and naval stores as being inspectable, while on page 82, he says that "Pork, beef, rice, indigo, naval stores and lumber, were this year (1755) made subjects of the laws of inspection, which hitherto related to tobacco only."

<sup>185</sup> *Ibid.*, II, p. 133.

<sup>186</sup> *Colonial Records*, VII, 489; XXIII, 639 et seq.

<sup>187</sup> *Ibid.*, XXIII, 790 et seq.

<sup>188</sup> F. X. Martin, *History of North Carolina*, I, p. 166.

<sup>189</sup> *Calendar of State Papers, America and West Indies, 1706-8*, p. 119.

<sup>190</sup> *Colonial Records*, I, 663.



Albemarle, in 1712, had to supply the entire county of Bath with grain.<sup>191</sup> Next came the agricultural vicissitudes of 1727-28. In the former year a storm destroyed practically the whole of the corn crop, while a second storm descended upon the colony in August, 1728, which again ruined the corn crop. Corn being "the staff of life" in this province, little short of a famine threatened the land.<sup>192</sup> The price of corn went to five times its normal value.<sup>193</sup> But in the face of this Governor Burrington was able to write the following year that he had seen great improvements in husbandry since he had come to the colony.<sup>194</sup> By this time agricultural products could be raised more easily and cheaply than in the early days, but even with the increased production they were all needed for the purchase of negroes and "British commodities."<sup>195</sup> During Governor Dobbs's administration (1754-65) the number of cattle was very much lessened by a distemper coming from South Carolina, destroying nearly seven-eighths of them, so that in this respect a "return to normalcy" hardly occurred before the Revolution.<sup>196</sup> In other respects agriculture was on the up-grade, hemp and flax grew surprisingly, and tobacco of splendid quality was grown in such amounts (even though not encouraged by the government) that in 1756 warehouses were established for its inspection before exportation. Wheat increased in its yield so that in 1764 bolting mills were erected on the Cape Fear River and flour was exported to the East Indies.<sup>197</sup> This and the period just following was when the production of rice and indigo was being encouraged, the planting of vineyards urged, and a general spirit of agricultural enthusiasm seemed to pervade the colony.<sup>198</sup> And it was just at this time of greatest promise to the planter that the red form of the god of war appeared and called away from their useful toil the men in the fields.

<sup>191</sup> F. X. Martin, *History of North Carolina*, I, p. 255.

<sup>192</sup> *Colonial Records*, III, 28.

<sup>193</sup> *Ibid.*

<sup>194</sup> *Colonial Records*, III, 29.

<sup>195</sup> *Ibid.*, III, p. xv.

<sup>196</sup> Beef went to four pence per pound, and salt butter to nearly two shillings per pound. *Ibid.*, V, p. xli, xlii.

<sup>197</sup> *Ibid.*

<sup>198</sup> *Ibid.*, V, 316-317.

## SUMMARY OF PART II

Tobacco, along with grain, became North Carolina's staple product. In 1677 the colony produced 800 hogsheads of tobacco; by 1775 she was exporting \$80,000 worth of this product. Having little commerce of her own, North Carolina was seriously affected by the non-importation acts of Virginia in regard to Carolina tobacco. The fertile soil of the province yielded a rich return of Indian-corn and wheat. The settlers depended much upon their grain crops, and when these occasionally failed intense suffering followed. The lesser grain crops received very little attention in North Carolina. Beginning in 1735, rice was produced throughout the remainder of the colonial period, although not in quantity. Indigo was grown in about the same regions as rice, but summer droughts were ruinous to both the indigo and corn crops. Though Carolina produced hemp and flax of standard quality it was only in 1764 with the provision for a bounty that popular interest in this industry was aroused. Cotton of presumably standard grade was produced, not for export, but, along with wool, enough to satisfy the needs of the inhabitants. The planter in Colonial North Carolina was faced with a distressing lack of agricultural implements. In the way of minor agricultural products, North Carolina produced honey, some wine, a plentiful supply of both Irish and sweet potatoes, various kinds of pulse, cabbages, and melons. Fruits were abundant, especially so were apples and peaches. Cattle and hogs were raised extensively, though as to their quality, owing to contradictory reports, it is impossible to form a definite opinion. Beef and pork were important articles of diet. Cattle-raising was a difficult task owing to the attacks of distemper, the Indian menace, and numerous cattle thieves. Sheep were raised on a small scale, and an abundance of poultry was a natural outcome of the plantation system. For various reasons, the planters, instead of exporting beef and pork themselves, drove the cattle and hogs to Virginia, from thirty to fifty thousand annually, where they were slaughtered and prepared for export.

Tobacco, hemp, rice, and indigo were used as money in North Carolina, their respective values being fixed by the Assembly. The ratio between the North Carolina proclamation money and the

English pound sterling was about one to three. The annual exports of the province to Virginia amounted to at least £50,000. Exports of grain, tobacco, beef, and pork, were also made to New England and to the West Indies. Beginning in 1750 North Carolina established customs officials to inspect articles intended for sale and exportation. A slow but real improvement can be seen in the agriculture of colonial North Carolina; one of the last of the American colonies to be founded, and working under this temporal handicap, by the end of the colonial era she had developed a respectable agriculture, and would undoubtedly have made wonderful strides in this field had she not been interrupted by the approach of the Revolution.

## NORTH CAROLINA LOYALISTS

BY ISAAC S. HARRELL

"No man is either good or bad merely for his opinions; in political questions there is room for almost an infinite diversity of sentiment, among even the wise, as well as men of little understanding; and no man in a civil war is justly censurable for anything but insincerity in choosing his side, or infidelity in adhering to it."<sup>1</sup> Such was the standard by which James Iredell judged his fellow-citizens during the American Revolution, and it is by this same high standard that posterity has come to appraise the men of Revolutionary days. The justification of the faithful and sincere loyalist may be relegated safely to the background. The object of this paper is to make some investigation of the number of active loyalists in North Carolina, and especially to examine the punishment of these loyalists by the patriot government.

Upon what basis should the number of active loyalists in North Carolina be determined—contemporary estimates, opponents of the patriot government, the number punished for their political misdeeds? Contemporary estimates are confusing and often contradictory. Shortly after the battle at Cross Creek Samuel Johnston wrote Joseph Hewes concerning the loyalists that took part: "I have the pleasure to inform you that not one man of influence or leading in public affairs appears to have had any share in it. No man except Thomas Rutherford ever had a seat in the Assembly and of the five or six hundred of these poor deluded men no one except T. Rutherford had property of £100."<sup>2</sup> Governor Martin's estimate of the number of loyalists in 1775 and 1776 is very different; "I am persuaded to believe that loyal subjects yet abound and infinitely outnumber the seditious throughout all the very populous western counties of this Province."<sup>3</sup> He urged Lord Dartmouth to send him arms for he fully trusted the loyalists would give him "sufficient strength to maintain the sovereignty of this Country to the

<sup>1</sup> James Iredell to A. Neilson, June 15, 1784. McRee, *Life and Correspondence of James Iredell*, II, 105.

<sup>2</sup> Johnston to Hewes, March 10, 1776, *Hayes Papers*, North Carolina Historical Commission.

<sup>3</sup> *North Carolina Colonial Records*, X, 325.



King.”<sup>4</sup> Martin’s agents informed him early in 1776 that they could furnish him two or three thousand men on a moment’s notice; they estimated the loyalists that could be relied upon at six thousand.<sup>5</sup> A month later these same agents made every effort to bring the loyalists to the relief of the marooned Governor; they estimated that five thousand Regulators and Highlanders were en route to the Cape Fear. Donald MacDonald, the leader of the Highlanders, when captured at Moore’s Creek informed the patriot leader, Richard Caswell, that he had only fifteen or sixteen hundred men with him. Governor Martin, after the encounter, fixed the number of loyalists who took part at seven hundred.<sup>6</sup> Two years later Josiah Martin, now an exile in New York, was writing to Lord Germain with an enthusiasm equal to that of 1775 when he was counting the loyalists by the thousand, that the Reverend MacLeod, recently arrived from North Carolina, had a “well concerted plan for drawing out of that Province, for His Majesty’s service, the loyal Highlanders, of whom they have two hundred and seventy odd men actually under the most solemn engagements to join therein on summons.”<sup>7</sup> But the next year Martin’s estimate of the “well disposed subjects” in North Carolina began to rise, for as the British army moved up from the South “the serpents, encouraged by a little British sunshine came from their holes.”<sup>8</sup> In June 1780 the optimistic official, now in South Carolina and expecting soon to resume his duties as royal governor of North Carolina, wrote Germain that “he had the satisfaction to acquaint” him that there had been great proof “and manifestation of the loyalty of the North Carolinians—not less that 1400 of them have joined different parts of the army. At one time near eight hundred men under Mr. Bryan of Rowan County joined our troops at the Cheraws” and “I have great reason to believe that all my representations of the fidelity of His Majesty’s subjects there, at the beginning of the Rebellion will be fully justified by their zeal and numbers, whenever the army enters their country.”<sup>9</sup> In July, Major Craig, commanding the British forces in Wilmington, wrote

<sup>4</sup> *North Carolina Colonial Records*, IX, 1174.

<sup>5</sup> *Ibid.*, X, 486-493.

<sup>6</sup> *Ibid.* *The South Carolina Gazette*, February 16, 1776, estimated the number of loyalists en route down the Cape Fear at 2,000.

<sup>7</sup> *Public Record Office, Colonial Office* 5, 176. Library of Congress Transcripts.

<sup>8</sup> Governor Nelson to Thomas Penn, October 6, 1781. *Executive Communications*. Virginia State Library.

<sup>9</sup> Martin to Germain June 10, 1780. *Public Record Office, Colonial Office* 5, 176. Library of Congress Transcripts.

Lord Cornwallis that five or six hundred Highlanders were concentrating about Cross Creek, and he believed there were many beside the Highlanders who were well disposed.<sup>10</sup> Cornwallis, repeatedly assured of the loyalty among the people, marched into North Carolina in the fall of 1780 "only to raise men."<sup>11</sup> He reported in disgust that few joined him.<sup>12</sup> Governor Nelson of Virginia wrote General Washington that he did not believe ten men joined the British invaders when they came into North Carolina.<sup>13</sup> Yet Martin and other British agents insisted that loyalty abounded and pointed to the continual opposition to the patriot government to support their statements. The estimates of the number of loyalists by contemporaries, whether patriot or royal agents, like loyalism itself, rose and fell with the success and defeat of the British armies. Such estimates are of questionable value in determining the truly loyal.

There was much opposition to the patriot government. What indication is this opposition of the strength of loyalism? A close analysis of conditions in Revolutionary North Carolina leads to the unflattering conclusion that many people at heart were neither patriots nor loyalists. Intense loyalty to country has its roots firmly planted in principles of government, and the institutions which governments represent. Sentiment in North Carolina had in general run counter to any such authority, and resented any intrusion of law into the free action of the people. Therefore the populace would not rally enthusiastically to fight for a government, whether English or American, which represented to them the inhibitions, duties and penalties of law. George Burrington, the first royal governor, wrote the Board of Trade shortly after his arrival in the colony that "The Inhabitants of North Carolina are . . . crafty to admiration, allways behaved insolently to their Governours, some they have Imprisoned, drove others out of the Country," and "all the Governors that were ever in this Province lived in fear of the People."<sup>14</sup> William Byrd, who understood something of the temper of the colonists, warned the newly arrived governor: "I think by some samples I have known of that Country it will cost a pretty deal of

<sup>10</sup> *Intercepted Loyalists' Letters*, I, 769. Library of Congress.

<sup>11</sup> *Ibid.*, 760.

<sup>12</sup> *Clinton-Cornwallis Controversy growing out of the Campaign in Virginia*, I 65-67, 80, 106, 278.

<sup>13</sup> Nelson to Washington, July 27, 1781. *Executive Communications*. Virginia State Library.

<sup>14</sup> *North Carolina Colonial Records*, III, 338.

trouble to bring it into order, people accustomed to live without law or gospel will with Reluctance Submit to either. . . . I wish you all the success in the world in bringing the chaos into form and reducing that Anarchy into a regular Government in so doing you well deserve to have your statue erected, or which perhaps is better to have your sallary doubled.”<sup>15</sup> Burrington attempted to administer royal authority with a high hand for four years. In 1734 local opposition to him was so strong that he was recalled. No statue was erected to him. He did not receive one farthing of his salary. His successor, Gabriel Johnston, found royal authority “a very new sort of doctrine” to the colonists.<sup>16</sup> The people “never were of any service to the Lord Proprietors and if something is not speedily done to convince them that his Majesty will not be so used I am afraid that they will be of as little profit to the crown.”<sup>17</sup> For ten years Johnston struggled to extract from the people some service for his king, but to no avail. In his later years he neglected his duties as royal governor for the more prosaic but more lucrative task of farming, and died in 1752, nominally the governor, with his salary £13,462 in arrears.<sup>18</sup> Arthur Dobbs, who followed Johnston, spent the last years of a long life in mixing gentle portions of royal rule with colonial anarchy, but accomplished little of permanent value. William Tryon, who succeeded him, was a man of another sort—a soldier by profession, a royalist by temperament. He put down a rebellion which others had incited. By heavy expenditures and the pomp of the militia he created a display pleasing to the home government, but succeeded not one iota in converting the insurgent and lawless colonials from the rebellion of their way. Josiah Martin, successor to Tryon, was early dissatisfied with his appointment in North Carolina, for he saw there neither opportunity for service to his king nor chance to increase his private fortune. He was more reconciled and withdrew his application for removal after his appointment as agent for Lord Granville for he “received promise of great gain by additional land grants and fees and was induced to remain.”<sup>19</sup> Like the first royal governor, Burrington, Martin, the

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<sup>15</sup> *North Carolina Colonial Records*, III, 194-195.

<sup>16</sup> *Ibid.*, IV, 8-9, 15, 24.

<sup>17</sup> *Ibid.*, 266, 268.

<sup>18</sup> *Ibid.*, 792-793.

<sup>19</sup> *Ibid.*, IX, 642. *Loyalist Papers*. XLVIII, 39-114.

last royal governor, found sentiment so hostile to his authority that he was compelled to leave the colony.

The beneficence of law was as intangible to the majority of North Carolinians in 1775 as it had been when the first royal governor came to them. The colony had grown rapidly since 1730, but neither physical nor social environment tended to develop a submissive people. Turmoil, fighting, disregard of social and civil responsibility were as characteristic of the settlers in the "hill country" as was their hunger after land. The coming of the Revolution removed any check that government and law had ever placed on their passions. "Tory risings" and "patriot retaliations," the outstanding features of the civil war in the State, were often mere pretexts to rob, plunder and destroy. The fratricidal strife indicated inherent lawlessness more frequently than intense patriotism or loyalism. The so-called "Tories" rallied to the renegade David Fanning, but the military chieftain, Cornwallis, found no support among them. In September, 1781, Fanning with three hundred men captured Governor Burke and sent him from Hillsboro to the Cape Fear. From there he was sent to the British at Charleston. The loyalist newspaper in South Carolina, *The Royal Gazette*, hailed the final triumph of loyalism over patriotism in the State.<sup>20</sup> Two months later Cornwallis surrendered at Yorktown; loyalism in North Carolina cooled, abated—died out. A few of the "Tory" leaders left the State, but the majority of their followers remained. Neither the British nor the American government regarded the participants in these "uprisings" as loyalists in the true sense of the term. Opposition to government is by no means indicative of the strength of loyalism in North Carolina.

A third and more tangible basis for estimating the strength of loyalism is an examination of the claims filed with the British government by those who suffered because of their loyalty. Shortly after the war Parliament authorized commissioners to hear petitions and make awards to American loyalists. Complete transcripts of the papers of the Loyalist Commission have been made for the New York Public Library and transcripts of the petitions of the North Carolina claimants have been made for the North Carolina His-

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<sup>20</sup> *Royal Gazette*, September 12, 1781; September 28, 1781.



torical Commission.<sup>21</sup> In all, 2,560 persons filed claims with the Commissioners sitting in London and Nova Scotia. Of these 139 designated themselves as from North Carolina.<sup>22</sup> Originally the North Carolina claims were preserved in four books in the Commissioner's office in London; one of these books has been lost. The three remaining books register the petitions in whole or in part of 101 of the 139 applicants. An analysis of these 101 claims indicates that 48 of the claimants were merchants, 25 were farmers and eight of these operated grist mills and probably small stores, 8 were public officials under the Crown government, 2 were ministers, 2 were physicians, 5 had miscellaneous trades, and 11 applicants fail to give any occupation. Equally significant is the fact that of the 101 claimants only 10 designate themselves as natives of North Carolina, 9 had migrated to North Carolina from other colonies, 68 had come from the British Isles, 4 were never residents in the colony, and 10 make no designation of their origin. Not only had the great majority of the applicants migrated to North Carolina but their arrival had been of very recent date: of the 68 from the British Isles only 13 came before 1760, 20 arrived between 1760 and 1770, and 25 arrived between 1770 and 1775; 10 of the applicants do not give the date of their arrival in the colony. Although the claims filed with the Loyalist Commission are by no means exhaustive, yet these petitions are representative of the active loyalists in so far as their loyalty permitted claim upon the government they supported.

Especially significant is the legislation of the patriots against the loyalists. Anti-loyalist legislation went hand in hand with the movement for independence. In May, 1776, the Provincial Assembly ordered the imprisonment of all persons who took up arms in behalf of the royal government during the Moore's Creek Campaign. In November British partisans were denied all civil rights and their property was made liable to seizure.<sup>23</sup> In April, 1777, more definite and far reaching legislation decreed that any person convicted in the courts of the State of taking a commission from the king was guilty of treason for which the penalty was death and the forfeiture of

<sup>21</sup> The transcripts in the New York Public Library have been used, and all citations are to that collection.

<sup>22</sup> Sabine, *Loyalists of the American Revolution*, gives a brief summary of approximately 6,000 persons who were loyal to the British government. He designates 261 of these 6,000 as coming from North Carolina.

<sup>23</sup> *North Carolina State Records*, XI, 363.

all property. Persons giving aid and comfort to the enemy were guilty of misprison of treason and were to be imprisoned for the remainder of the war and half of their estates forfeited. Moreover, all persons who had "traded directly to Great Britain in the last ten years in their own right, or acted as factors, storekeepers or agents for merchants residing in Great Britain or Ireland" were to take an oath of allegiance to the patriot government or immediately leave the State. The departing merchants were given three months in which to dispose of their property; after the expiration of this time their titles were forfeited to the State.<sup>24</sup> In November of the same year a yet more searching amendment required all males sixteen years of age or above to take an oath of allegiance or leave the State. County courts were instructed to take possession of all property forfeited under previous laws, and, after reserving a sufficient amount to support the families of those guilty of treason, were to hold the remainder for the benefit of the public.<sup>25</sup> "All lands, tenements, hereditaments and movable property within the State, and all and every right and title therein" of any person who was absent from the United States on July 4, 1776, or who had absented himself since that date, and was still absent, should be confiscated to the State if the absentee should not appear before the "next general assembly which shall be held after the first day of October, in the year 1778, and be admitted to the privilege of citizenship."<sup>26</sup>

In January, 1779, the assembly proceeded with the confiscation of the property of those who came within the meaning of the law of 1777. Commissioners were appointed in each county, who, after taking an oath of allegiance and furnishing a bond, were to take possession of all confiscable property. The commissioners were to sell the chattel property at public auction and rent the real property. They were to collect all debts due loyalists from citizens of the State, and give the payee a receipt which would discharge him from all future obligations to the creditor.<sup>27</sup> Dependent wives and children under the protection of the State were permitted to inherit as much of the confiscated property as they would be entitled to had the former owner died intestate. Confiscation of alien enemy property

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<sup>24</sup> *North Carolina State Records*, XXIV, 9-12.

<sup>25</sup> *Ibid.*, 84-89.

<sup>26</sup> *Ibid.*, 123-124.

<sup>27</sup> *Ibid.*, XXIV, 209-214.

was in accord with international practices, but the North Carolina process of confiscation was a departure from the principles of English law: there was no provision in the act of the assembly for a court of inquest or for the process of *office found*, common in the English procedure.

The confiscation act of January 1779 was far from drastic. The radicals, who demanded that the real property be sold, not rented, declared the law as passed would neither punish the offender nor indemnify the public.<sup>28</sup> When the bill was before the assembly in January they were able to muster only 16 votes against the 32 votes of the conservatives.<sup>29</sup> But by the following October dissatisfaction with the half-hearted confiscation policy had so increased that the radicals were able to enact their more violent confiscation program. The property of 68 designated persons and "all others who come within the meaning of the confiscation acts" was confiscated absolutely to the State.<sup>30</sup> The local commissioners were to divide each confiscated estate into lots of not more than 640 acres each and advertise the property for sale at public auction. Commissioners were to make reports of sales, through the county courts, to the assembly. The purchaser of the confiscated property was given six months credit; title to the property was to come from the State and was guaranteed, . . . "if any recovery shall be made hereafter or any money paid in consequence of the act the State will be fully and amply responsible."<sup>31</sup> An attempt of the conservatives to make provision for aged parents, wives and children of the former owners was overwhelmingly defeated.<sup>32</sup> The defeated conservatives protested. "In mere modesty and humility, and that no merit may be imputed to us as members of the House of Commons on account of the bright display of wisdom, virtue and humanity exhibited by the General Assembly in the masterly performance we enter this our protest"—so ran the ironic remonstrance signed by fifteen members of the assembly. Willie Jones, erstwhile radical, moved no doubt by compassion for loyalist friends and kinsmen, led the list.<sup>33</sup>

The seizure and sale of property by the commissioners began immediately. In February, 1780, the commissioners in Pasquotank

<sup>28</sup> *North Carolina State Records*, XIV, 345-347.

<sup>29</sup> *Ibid.*, XIII, 721.

<sup>30</sup> Of the 68 designated persons, 45 were merchants trading with Great Britain.

<sup>31</sup> *North Carolina State Records*, XXIV, 263-268.

<sup>32</sup> *Ibid.*, XIII, 397-398.

<sup>33</sup> *Ibid.*, 991-992.

took possession of the property of William McCormick & Company. His library, silver, ten Negroes, other chattels and farm lands were sold for £102,870. The local court ordered the commissioners to pay one-half of the proceeds to members of the firm under protection of the State, and the remainder to the public treasury. In April £17,045 were accounted for by the commissioners, leaving a balance due of £34,390 which the commissioners had not paid in 1783.<sup>34</sup> In March the commissioners in Craven sold loyalist property, much of it formerly belonging to Samuel Cornell, merchant and member of Governor Martin's Council, for £258,476.<sup>35</sup> In August the same commissioners accounted to the State for £7,399 paid them to discharge debts due Cornell.<sup>36</sup> On April 22 the commissioners in Currituck took possession of the estate of Thomas MacKnight, planter, merchant and politician, including private as well as partnership holdings. In May the lands of MacKnight were surveyed, plotted and advertised for sale, but upon petition from Alexander Diack, representing William Atchinson, a member of the MacKnight partnership, the court forbade the sale and the commissioners rented the estate the year following for seventy barrels of corn.<sup>37</sup> The fragmentary condition of the existing accounts of the local commissioners makes it impossible to determine when much of the confiscated property was sold, but the subsequent history of confiscation indicates that a relatively small part was sold in 1780. Cornwallis was approaching from the South and purchasers were slow in concluding sales when they felt none too sure of their titles. Certainly the benefits to the State Treasury were small, for the currency was rapidly depreciating. In January 1781 the assembly suspended sales.<sup>38</sup>

The administration and sale of estates under the county confiscation commissioners were conducted with flagrant disregard for honesty, justice and public welfare. Fictitious accounts were filed by citizens against the confiscated property. The commissioners sold the property "at a short day, and from the scarcity of money in the

<sup>34</sup> MSS. *Papers of the Confiscation Commissioners*. 2 boxes. North Carolina Historical Commission.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Ibid.* Among the payees were Richard Blackledge for Spyers Singleton, £15,750; Jacob Blount, £1629; William Blount, £1626; Benjamin Sheppard, £1177; William Faircloth, £167; and James Glasgow, £185.

<sup>37</sup> MSS. *Papers of Confiscation Commissioners*.

<sup>38</sup> *North Carolina State Records*, XXIV, 352-353.



country at a fifth or sixth part of their real value," and often purchased estates themselves.<sup>39</sup> The purchaser was required to pay for the estate in six months, but often he failed to meet this requirement. The unsold property in the hands of the commissioners was wasted, often managed for the personal interest of the commissioners, and if rented no returns made to the State.<sup>40</sup> In 1783 Governor Alexander Martin directed the justices of Surry County to investigate the alleged mismanagement of estates by the local commissioners.<sup>41</sup> In bold lawlessness unauthorized persons would seize the property of reputed loyalists. In the hills when the news spread abroad that a neighbor had joined the enemy the community would descend upon the worldly goods left behind—one would take a chair, a table or a "skillet," another would make a selection from whatever wearing apparel could be found, and a more fortunate one would carry off a feather bed. From 1780 to 1783 laws were enacted strictly prohibiting any person not authorized by the confiscation act to seize property; removal of confiscated property from one county to another was forbidden. The governor by proclamation enjoined all citizens to prevent the carrying of sequestered property from the State.<sup>42</sup>

The presence of British troops in North Carolina in 1780-1781 had served to check radical legislation. But when the assembly met in the spring following Cornwallis's surrender, they were determined to execute the policies for which they had agitated throughout the war. They were eager to repeal the law of the previous year suspending the sale of confiscated property, they demanded that the loyalists be punished, and they protested against the return of their creditors, the merchants. The radicals were numerous, were determined and had able leaders in Timothy Bloodworth and Griffith Rutherford. The conservatives, too, were freer to act in peace than they had been in time of war. Each group rallied its forces for the battle between government and liberty. The first skirmish came in determining the future policy of the State towards the loyalists. Samuel Johnston led the conservative forces in the Albemarle section; shoulder to shoulder with him stood his brother-in-law, James

<sup>39</sup> Archibald MacLaine to Isaac Patrick, May 29, 1783. *Loyalist Papers*, XLVIII, 660-662.

<sup>40</sup> The Auditor's papers show no returns for rented property except from the commissioners in Craven, Currituck, Orange and Lincoln counties.

<sup>41</sup> *North Carolina State Records*, XVI, 798.

<sup>42</sup> *Ibid.*, XXIV, 350-351; 376-378.

Iredell. In Halifax their leader was William R. Davie, son-in-law of Allan Jones, and with him, strangely enough, Allan's brother, Willie Jones. In the Cape Fear district William Hooper, signer of the Declaration of Independence, and Archibald Maclaine, a bold leader and able lawyer, headed the conservative forces. These men bore the brunt of the conflict; they were public agents of justice, law and order, and at the same time private agents for old friends and kinsmen who had remained loyal to Great Britain. James Iredell was a relation of Henry E. McCulloch, who, with the exception of the Granville heirs, was the heaviest loser under the Revolutionary seizures in the State. The exiled McCulloch appealed to Iredell, to Samuel Johnston and to "my dear Willie," sometimes in haughty anger, frequently in deep humility, to come to his aid and help him save his estate.<sup>43</sup> Iredell and Maclaine were attorneys for Edward Bridgen, a prominent Cape Fear merchant guilty of political indiscretion.<sup>44</sup> Johnston, Davie and Iredell were consulted from time to time by the Cornell heirs.<sup>45</sup> William Hooper's brother, George, was a loyalist refugee. This same George Hooper had married "Kitty" Maclaine, daughter of Archibald Maclaine.<sup>46</sup> At the bar, in the assembly and on the public square these aristocratic patriots fought for their unfortunate friends. They proposed no sweeping repeal of anti-loyalist legislation, but a just modification by three amendments. They argued, first, that the sale of property, except perishable articles, should be deferred—secondly, that the property of *bona fide* residents of Great Britain and the debts due the British merchants be exempted from confiscation,—and finally, they were especially eager that exiled friends be forgiven their political sins and permitted to return to their former homes.

The radicals were vindictive, some no doubt covetous of the estates of the exiled loyalists. Maclaine characterized these radicals as a "parcel of profligate scoundrels—Peculation is all their aim"—men so wicked "cannot possibly do anything for the benefit of the public." None of the upbraidings of the conservatives, however, de-

<sup>43</sup> *McCulloch Papers*, March 5, 1783. March 28, 1783. North Carolina Historical Commission.

<sup>44</sup> Benjamin Franklin interceded in behalf of Bridgen, and though the influence of Franklin and his North Carolina friends Bridgen's property was restored. *North Carolina State Records*, XVI, 388; XXIV, 762.

<sup>45</sup> *Cornell Papers*, July, 29, 1784; September 8, 1784, New York Public Library.

<sup>46</sup> An interesting collection of letters from Maclaine to Hooper are printed in *North Carolina State Records*. XVI, 932-1001.

tered the radicals in their determination to sell all of the confiscated property. An act of the assembly of April, 1782, stipulated that all the property confiscated by the act of 1779, and in addition the property of Alexander Munn and James McNeil, was to be sold. The conservatives, unable to prevent the sales, sponsored and incorporated in the act, a plan for the more efficient conduct of the sales by the confiscation commissioners. The State was divided into seven districts, with a commissioner in charge of each. These district commissioners were to supervise the local commissioners in the counties. Sales were to be conducted at the courthouse in the districts and all deeds for purchased property were to be issued by the State and recorded in the public land office. Purchasers were required to give bond to complete their payments to the State in five years. If payments were not completed in the specified time the purchase was forfeited. In event a purchaser wished to pay in cash, one third of the payment must be made in specie. The reservation of one-third of the lands for dependents of the former owners who were under the protection of the State, and safeguards against fraudulent transfers were singular victories for the conservatives.<sup>47</sup>

Under the provisions of the foregoing law the second sale of loyalist property began in the spring of 1782 and continued through the following year. The commissioners conducting the sales were called to render accounts in the fall of 1783,<sup>48</sup> and reports submitted from fourteen counties are extant. Although there are no means of determining whether or not these reports include all the sales made in 1782-1783, yet no instance of sale has been found elsewhere that is not accounted for in these reports. The reports of November 1783 indicate that in the fourteen reporting counties<sup>49</sup> loyalist property had been sold for £583,643-8-0 since the passage of the confiscation act of 1779. The commissioners in many of their reports make no distinction between moneys collected for debts due British merchants, moneys collected for the sale of chattel property and moneys collected for the sale of real estate. Only £52,832 is specified as paid to discharge

<sup>47</sup> The law of April 1782 was the alternative taken by the conservatives when they were unable to prevent the sale of the property. Archibald Maclaine in a letter to Governor Burke, March 27, 1782, discussed in detail the defects of the confiscation act of 1779 and proposed remedies that he considered essential to safeguard the interests of the public. These suggestions of Maclaine were incorporated in the act of 1782. *North Carolina State Records*, XVI, 247-248; XXIV, 424-425.

<sup>48</sup> *Ibid.*, XXIV, 497-498.

<sup>49</sup> The counties reporting are Chatham, Chowan, Craven, Currituck, Dobbs, Halifax, Lincoln, Martin, Mecklenburg, Orange, Pasquotank, Rowan, Surry and Wake.

British debts. The merchants Archibald Hamilton & Company and Samuel Cornell appear in these accounts to be the heaviest losers. The Hamiltons had £18,434 and Cornell £12,483 paid into the State Treasury to discharge debts due them.<sup>50</sup> William Martin, prominent member of the assembly, discharged debts of £500; Spyers Singleton, Cape Fear merchant, paid into the State Treasury debts amounting to £10,466; Henry Montford, outstanding patriot, paid the confiscation commissioners a debt of £3,500 due Archibald Hamilton & Company; Willie Jones paid a debt of £498 due McNeil Hamilton, £406 due Archibald Hamilton, and acknowledged a debt of £1,145 due Archibald Hamilton & Company, but there is no evidence that he paid the latter to the State. Benjamin Exum, Treasurer of the New Bern District, paid the commissioners £1,696 due three British merchants; William Moore, legislator, militia officer and commissioner of confiscated estates, paid a debt of £3,000 due Archibald Hamilton & Company and £3,563 due other merchants. Ex-Governor Abner Nash, James Coor, Speaker of the Senate, Absolom Tatum, one time secretary to Governor Burke, and William Blount, Indian agent, took advantage of the opportunity to discharge sterling debts with depreciated currency. An incomplete list gives 204 accounts paid in Halifax, totaling £10,828; in Martin eleven persons paid debts amounting to £3,707; in Dobbs eight payments totaled £3,713.<sup>51</sup> Reports from the Albemarle counties, from Craven, Orange and New Hanover, where debts were heavy and payments probably large, make no distinction between moneys collected for debts and for the sale of property. In addition to the £52,838 reported as paid to discharge debts, the commissioners reported £42,686-4-11 from the sale of chattel property, the greater part of it being for negroes, and £82,148 from the sale of lands. The commissioners reported £106,130-3-1 without making any distinction as to the nature of the confiscation, bringing the total sales, as shown by the reports, to £583,643-8-0. The sales were usually in currency, and without the date of the sales it is impossible to place any specie value upon the receipts.

Of the loyalist property confiscated by the State much real property remained unsold after the commissioners made their reports in November, 1783. The assembly, at its October session in 1784,

<sup>50</sup> MSS. *Papers of the Confiscation Commissioners.*

<sup>51</sup> *Ibid.*



provided for the disposition of all estates that remained in the possession of the State. The provisions for the sale followed closely the act of 1782. New commissioners were appointed for the seven districts and their commission was increased from 2 per cent to 3 per cent.<sup>52</sup> All unsold confiscated property was surveyed, divided into lots of 640 acres and between 1784 and 1790 sold at auction. The reports of the commissioners appointed under the act of 1784 indicate that this third period of sales was conducted with more uniformity, more efficiency, and resulted in greater benefits to the public than the sales conducted under the acts of 1779 or 1782. Property sold under the act of 1784 brought £284,452-4-0, and all of the money except £26,292-0-4 had been accounted for to the State by 1791.<sup>53</sup> The sales came after the State had funded its Revolutionary debt, and the sum received represents a higher specie value than had been realized from the two preceding sales.

The foregoing account of the sales of confiscated estates is based upon the papers of the confiscation commissioners and these reports are incomplete except for the sales conducted under the act of 1784. The confiscation laws provided that all real property was to be deeded by the State and the deeds recorded in the public land office. Deed Book LII has recorded in it 80 deeds for confiscated property, Book LXII, 411 deeds, Book LXIX, 68 deeds and Book LXX, 4 deeds. Other deeds for confiscated property may have been granted by the State, but a search of the books from 1780 to 1795 has disclosed only the 563 deeds enumerated.<sup>54</sup> As the dates of the deeds are continuous it is safe to presume that this enumeration is approximately complete. These deeds represent the sale by the State of 83 "lots," a

<sup>52</sup> *North Carolina State Records*, XXIV, 424-425.

<sup>53</sup> MSS. *Papers of the Confiscation Commissioners*. The reports of the Commissioners appointed in 1784 are decidedly an improvement over the reports submitted by the commissioners in 1783 and are not to be compared with the reports submitted by the county commissioners appointed under the act of 1779. Among the papers there is no report from John Walker, Commissioner for the Morgan District. The condition of the reports would lead to the conclusion that if property was sold in this district it was reported through other commissioners, possibly the commissioner in the Salisbury District. The commissioner in the New Bern District sold property for £22,419-4-8, made complete returns to the State and closed his account in October 1789. Nicholas Long of the Halifax District sold property for £24,903-18-0, paid the State in full and closed his account in December 1789. The commissioner in the Hillsboro District, Archibald Lytle, sold property for £64,282-1-0; in August 1789 he was due the State £15,340-1-0. Griffith McRee from the Wilmington District sold confiscated property for £54,323-9-0 and his account shows that he owed the State £9,489-16-4 in December 1789. In Edenton, Hardy Murfree sold loyalist property for £75,277-19-10 and in December 1791 he had paid all to the State except £666-5-4. Charles Bruce, Salisbury District, sold property for £43,245-12-4 and in June 1791, £795-17-8 were outstanding.

<sup>54</sup> No records were found in the land office of property sold in Mecklenburg, Pasquotank and Lincoln counties, but the reports of the commissioners seem to indicate that real property was sold in each of these counties.

"lot" being an acre in some town or projected town, for £41,477-8-0, and of 121,694 acres for £200,526-11-1, making a total of £242,003-19-1 received by the State for the 563 enumerated deeds.<sup>55</sup>

These records in the land office, as the petitions to the Loyalist Commission, are an index to those who suffered for their loyalty to the British government. Of the deeds in the land office, 239 disposing of 56,969 acres, are for confiscated property formerly belonging to Henry E. McCulloch. The State received £10,275-11-10 from these sales. Sir Nathaniel Duckinfield lost 6,644 acres for which the State received £31,614-11-0. Eleven lots in Hillsboro, belonging at one time to Edmund Fanning, were sold for £7,189. Fanning's mentor, Ex-Governor Tryon, lost his property in Brunswick and Orange for which the State received £7,191-4-0. Andrew Sprowle, a pre-Revolutionary merchant of Norfolk and for many years president of the Association of Virginia Merchants, forfeited his property in Beaufort and the State sold it for £6,940. The property of Andrew Miller & Company, chiefly in Halifax, brought £4,294; Thomas Hooper's estate of 4,263 acres in Brunswick was confiscated and sold for £8,153. In all, deeds have been

<sup>55</sup> These deeds represent sales in thirty-three counties in the State as follows:

County	Lots	Price	Acres	Price	Total
Anson		£	2,849	£ 1,275- 6	£ 1,275- 6
Beaufort	1	77	536	6,241	6,318
Bertie	4	1,569	8,204	34,376-11	35,945-11
Bladen	12	317-18	8,157	6,249-13	6,567-11
Brunswick	5	510	8,202	17,811- 5	18,321- 5
Carteret			489	126- 4	126- 4
Camden			310	830	830
Chatham			590	302- 1	302- 1
Chowan	14	5,973-10	334	4,360	10,333-10
Craven	2	4,075	7,315	7,228	11,303
Currituck			129	1,225	1,225
Dobbs			2,174	477	477
Duplin			3,420	703-11	703-11
Edgecombe			2,042	4,253-10	8,500-10
Granville			5,747	5,268-15	5,268-15
Guilford			6,838	14,183-17	14,183-17
Halifax	5	2,982	1,685	4,197	7,179
Hertford	2	160	742	1,765	1,925
Hyde			3,980	2,894	2,894
Lenoir	1	180	235	206	386
Montgomery			1,724	1,970- 5	1,970- 5
Moore			1,180	144- 1	144- 1
Nash			2,252	3,415	3,415
New Hanover	3	9,355	880	755	10,110
Orange	18	12,031	14,457	17,317-12- 9	29,348-12- 9
Pitt			240	430	430
Randolph			8,484	18,503- 7- 6	18,503- 7- 6
Rowan			17,198	24,990-11	24,990-11
Richmond			200	270	270
Sampson			2,801	1,137- 6	1,137- 6
Tennessee(?)			3,440	733	733
Tyrrell			1,917	14,569-14-10	14,569-14-10
Wake			2,943	2,317	2,317
Total	83	£ 41,477- 8	121,694	£ 200,526-11- 1	£ 242,003-19- 1

found for property formerly belonging to 97 loyalists; only 22 of these loyalists had been named in the confiscation acts; 33 of them appear among the names of those to whom awards were made by the Loyalist Commission.<sup>56</sup>

Investigation of individual loyalists in North Carolina is a pleasant excursion. Unique cases defy any general conclusion, but by cogitating the varied materials in their entirety several inferences may be reasonably deduced. The number of active loyalists in North Carolina probably was smaller than is generally conceded. Throughout the State there was much fighting, much opposition to the patriot government, much antagonism to all government and law, but at no time after 1776 was there any general movement to support the British. Those persons who were regarded as active loyalists by the British and American governments were recruited chiefly from the merchants. Often they were factors of British trading houses who had arrived in the colony since 1763. The imperial commercial policy protected their trade, safeguarded their markets and compelled their loyalty. These merchants had many debtors in the colony and the patriots regarded them as dangerous. It was against these foreign merchants and the large non-resident land-owners that the patriots directed their confiscatory legislation. Finally the reports of the various commissioners charged with the execution of this confiscatory legislation evince the conclusion that if the patriots in passing the confiscation laws were actuated by the hopes of raising funds to carry on the war, confiscation was a failure; but if confiscation was an attempt of the patriots to punish the loyalists, and this seems most probable, then despite the many provisions inserted in the confiscation acts by the conservative Whigs, confiscation was a success.

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<sup>56</sup> A careful search of the *Loyalist Papers* would probably reveal that more than 33 of the 97 loyalists who lost property in North Carolina made application and obtained relief from the Loyalist Commission. When the Commissioners began their work some of the loyalists were dead and applications were filed by their heirs; some loyalists put in their claims as from other states. No attempt has been made to check these claimants.

# SOME NORTH CAROLINA TRACTS OF THE EIGHTEENTH CENTURY

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## XI

INFORMATIONS CONCERNING THE PROVINCE OF NORTH CAROLINA,  
ETC. (1773).

### INTRODUCTION

There were two distinct waves of migration from the Scotch Highlands to North Carolina. The first followed the battle of Culloden. Many of those who had taken part in the Rebellion of 1745 were pardoned on condition that they leave the realm; by 1749 more than 1,000 had accepted this condition, and of these many found homes in the upper Cape Fear region of North Carolina. The personal interest of Governor Gabriel Johnston, a Scotchman, in his fellow countrymen and the liberal policy of the Assembly in remitting the taxes of Scotch immigrants for ten years made North Carolina the principal objective of Highland emigration toward the middle of the eighteenth century.

This earlier migration has long had its proper place in North Carolina annals; but of greater proportions, and also less generally appreciated, was a second migration which began in the decade 1760-1770 and lasted until the opening of the Revolution. Its proper background was the change wrought in the social conditions of the Highlands by the policy of the British government after the Rebellion of 1745, especially the abolition of heritable jurisdictions and military tenures, and the prohibition of the traditional Highland costume—measures which greatly weakened the clan as a political and social institution. Commenting on the results of these measures Dr. Samuel Johnson wrote, after his tour of 1773: "There was perhaps never any change of national manners so quick, so great, and so general, as that which has operated in the Highlands by the last conquest."<sup>1</sup>

The immediate causes of this later migration, however, are to be found in the economic conditions that accompanied the decline of the clan as a political and social unit, and these were threefold.

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<sup>1</sup> *A Journey to the Western Islands of Scotland*, I, p. 127 (edition of 1775).



First was a change in land tenures. Prior to 1745 it was customary for the clan chiefs to mortgage or lease the land, the mortgaged properties being known as wadsets, the mortgagees as wadsetters; and the leased property as tacks, the lessees as tackmen. The wadsetters and tackmen rented the mortgaged or leased land to subtenants and by this system lessees and mortgagees acquired wealth, especially through the cattle trade, which prospered greatly after the Act of Union. But with the abolition of heritable jurisdictions and military obligations which followed the Rebellion, the chiefs sought power in new directions and began to exploit the land. To this end they extinguished the mortgages and leases held by the wadsetters and tackmen and rented directly to the subtenants at higher rates. Thereupon the former lessees and mortgagees turned their eyes to America, where they hoped to establish landed properties with dependent tenants. A propaganda for emigration was carried on, clubs and societies were formed to finance the cause.<sup>2</sup>

A second cause contributing to emigration was the condition of the laborers and small farmers. Throughout the eighteenth century the Highlands were overpopulated. Agriculture and the arts did not prosper. Upon such a background sheep-growing was introduced, which threw thousands of agricultural workers out of employment and caused the eviction of small tenants. A contemporary correspondent estimates that in Perthshire and Argyllshire alone several hundred families were dispossessed when the farms were converted into sheep ranges.<sup>3</sup> Here, then, was a body of Scotch willing to colonize—men and families without employment and without hope of a livelihood because of the transition from unprofitable agriculture to pasturage. To them the propaganda of the former wadsetters and tackmen made a deep appeal. And their migration was regarded with favor by the new class of renters because a decline in the number of laborers and small cultivators, it was believed, would result in a lowering of rents. On the other hand, the lordly proprietors believed that emigration would be followed by an increase in rents, because the emigrants would be replaced by renters from the South who were accustomed to paying better rates than had prevailed in the Highlands.

<sup>2</sup> "Veritas," in the *Edinburgh Advertiser*, quoted in the *Scots Magazine* May, 1772, p. 697; Johnson, *A Journey to the Western Islands of Scotland*, II, 49-51.

<sup>3</sup> *Scots Magazine*, October, 1775, p. 536.

A third cause contributing to unrest and emigration was a crisis in the linen trade, which about 1770 met with severe competition from Ireland. A result was unemployment in the towns. "The wonted wealthy and opulent town of Paisley," we read, "can not now support those ingenious mechanics who have raised it to its present greatness, but they are forced to abandon their friends and country and seek that subsistence in a distant clime, which they cannot in their own."<sup>4</sup>

The social conditions resulting from these economic influences were deplorable. The land was full of people without employment. Crime, especially petty theft, was prevalent. A vivid picture of conditions is given in 1774 by James Hogg, a native of East Lothian, who rented a farm in Caithness. His relations with his landlord were satisfactory, but he lost so much property and so much of his crops through theft that he emigrated to North Carolina, bringing 280 people with him. In reply, probably to an inquiry by British officials concerning the cause and scope of emigration from Scotland, he writes as follows:<sup>5</sup>

"S I R,

"In answer to the questions you have sent me, in consequence of orders from the board of customs, be pleased to know, That I am forty-four years of age, have a wife, and five children, all under eight years; I am a native of East Lothian, but for some years past have lived at Bolum, in the parish of Reay and county of Caithness, on a farm belonging to Mr. Innes of Sandside.

"Others, with too much justice, complain of arbitrary and oppressive services, of racked rents, and cruel taskmasters; but Mr. Innes, my landlord, did every thing in his power to render my possession convenient and profitable; and in order to engage me to stay, offered me any terms I pleased: and certainly, had my situation in other respects been agreeable, I should not have been easily prevailed upon, with so young a family, and at my time of life, to leave my native country, and expose myself and family to the fatigue and dangers of a long voyage, in order to settle in an unhealthy climate in the woods of North Carolina: but by the barbarity of the country where I lived, I was in a manner forcibly expelled.

<sup>4</sup> "Philopatridæ," in *Scots Magazine*, January, 1774, p. 64.

<sup>5</sup> *Scots Magazine*, July 1774, pp. 345-346; Letter to Mr. Balfour of Trinabay.

The people in my neighbourhood were extremely addicted to theft and pilfering, the constant attendants of slavery and poverty. I was fond of improvements in agriculture: I sowed field-turnips, but they were stolen before they came to perfection: I sowed pease, and was happy if they left me the straw: my potatoes and carrots suffered in like manner: and, in short, I found it impossible to save any thing from their rapacity. I made many attempts, according to my circumstances, to check such misdemeanors: I dismissed from my farm several sub-tenants and servants for trespasses of this kind; but, according to the fashion of that country, in spite of all remonstrances, and without scruple, they were received by others. I then resolved to prosecute criminally the first offender; and it was not long before I had an opportunity: A man of eminence in that way stole a sheep from me, and his examination discovered another renowned thief: I got them both presented, indicted, and tried; the one before Lord Kames, at Inverness, I think in 1766; he was sentenced to be whipped, and then banished the four northern counties [xxviii, 500.]. As soon as he was set at liberty he returned to my neighborhood; where though he and his connections threatened my life, yet he was protected and sheltered by a gentleman of his name, not from any dislike to me, but in compliance with a popular maxim of that place, that a gentleman ought to protect from punishment all of his name, as well as his tenants and connections, whatever be their crimes. The other culprit, at the succeeding circuit, was sentenced by the Lords Justice-Clerks and Pitfour, to be whipped and banished to the plantations [xxix. 325.]; but, getting out of the prison at Inverness, he returned to Caithness, where he lives without molestation to this day; as does the other at Strathnaver.

“Thus, after attending two different circuits, at Inverness, and after much trouble and expense, and loss of business, and not being in circumstances to continue a struggle against my licentious neighbours, supported by gentlemen of wealth and influence, I was obliged to sit down quietly with my loss, though highly dissatisfied with my situation, and now more exposed than ever to the resentment of thieves and ruffians.

“To complete my disgust, in the end of 1771 a ship belonging to Liverpool, loaded with iron, deals, and flax, was driven ashore in

sight to my house. I thought it my duty to give an active assistance to save the wreck and cargo from plunder; in resentment of which, some of the plunderers combined to destroy me and my family; and to execute their plot, in February 1772, seven desperate ruffians, armed with pistols and dirks, attacked my house in the night-time, and set it on fire in two different places; and, had not some of the family providentially awaked, all must have perished in the flames.—With much difficulty and expence I brought to light the perpetrators of this horrid deed: but, according to the use and wont of that country, a party soon formed to protect them, and the sheriff-substitute, Macleod, the very person who ought to have assisted me, the sheriff-depute being then at Edinburgh, was not ashamed of being their counsellor and agent. However, in spite of many powerful and vigorous efforts, and many uncommon manoeuvres by him and his party to defend them from justice, some of them were brought to trial and condign punishment, and the sheriff-substitute was publicly and severely reprimanded.

“About that time my brother, a merchant in Wilmington, North Carolina, coming to visit me, and making me advantageous offers to go and settle with him, I was easily determined to leave a country, where, for want of police, and due administration of the laws, I had found it impossible to defend my goods from being stolen; where, for an act of justice and humanity, my life was daily exposed to the resentment of murderous ruffians; and where the thief, the robber, the murderer, and wilful fire-raiser, never hitherto wanted a gentleman, or rather a party of gentlemen, to patronize them.—Those gentlemen in Caithness whose judgement and approbation is valuable, will readily acknowledge the truth of what I have set forth; and many of them do lament, that, for these very reasons, their country is spoke of with reproach and detestation, and they have confessed that I had but too much provocation to leave them.—A list of the murders, robberies, and thefts, committed with impunity there, during my residence in Caithness, would surprise a Mohawk or a Cherokee.—Without this detail I could not explain my reasons for emigrating; but such as they are, I have declared them to you with that sincerity and freedom that I think become an honest man, though, I suppose, the length of this letter will prevent them from ever being read.



“With regard to taking so many people with me, I beg leave to observe, that I neither solicited, took advantage of, nor inveigled any person; and that I rejected hundreds who warmly intreated me to find them a passage. I took none excepting my servants, but such as paid their own freight, and had their honesty and character attested by their ministers.—When we were shipped at Thurso our numbers were as follows:

My family, including servants, .....	16
Other passengers above eight years, .....	174
Children under eight .....	60
Besides sucking children, .....	30

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Total 280

“The loss of so many people, and the numbers they may in time draw after them, will probably be missed by the landholders; but let them learn to treat their fellow-creatures with more humanity. Instead of looking on myself as an enemy to my country, in being accessory to the carrying off so many people, I rejoice in being an instrument, in the hand of Providence, to punish oppression, which is by far too general; and I am glad to understand, that already some of these haughty landlords now find it necessary to court and caress these same poor people, whom they lately despised, and treated as slaves or beasts of burden.

*I am, &c.*

JAMES HOG.”

*Gardehouse in Zetland, Mar. 29. 1774.*

The proportion of the second emigration from the Highlands can only be approximated. The number going to America from 1763 to 1775 is generally estimated at 20,000; in addition many went to the Lowlands and elsewhere. Conservative observers were alarmed at the possible results of this emigration. Too much money was being withdrawn from Scotland and the steady removal of skilled mechanics, it was feared, would in time give America an advantage over the mother country in manufactures.<sup>6</sup> It was feared also that the Scots, with grievances in mind concerning conditions in Scotland, would strengthen the radical element in America. In fact, the

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<sup>6</sup> *Scots Magazine*, September, 1772, p. 515, and December, 1774, p. 651.

British government became alarmed and in September 1775 instructions were sent by the commissioners of the customs to the customs officials to give no clearance papers to vessels carrying emigrants bound for the American colonies.<sup>7</sup>

North Carolina was the favorite objective in the later as well as the earlier Highland migration. To this there are frequent references in the *Scots Magazine*. Thus we are informed that fifty families left the Highlands for North Carolina in 1768, that 100 more left in 1769, that six vessels with 1,200 emigrants sailed in 1770, and that in 1771, 1772, 1774 and 1775 1,050 persons undertook the voyage to North Carolina.<sup>8</sup> While the migration was at its maximum an unknown author, using the pseudonym "Scotus Americanus," published in pamphlet form *Information concerning the Province of North Carolina, addressed to emigrants from the Highlands and Western Isles of Scotland*, (1773), which sets forth very briefly the grievances of the Highlanders and at considerable length the attraction of North Carolina to colonizers. A copy of this pamphlet is in the possession of the New York Historical Society and by courtesy of that institution it is herewith reprinted.

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<sup>7</sup> *Scots Magazine*, September, 1775, p. 523.

<sup>8</sup> *Ibid.*, *passim*.

INFORMATION

CONCERNING THE

PROVINCE

OF

NORTH CAROLINA,

ADDRESSED TO

EMIGRANTS

FROM THE

HIGHLANDS and WESTERN ISLES

OF

SCOTLAND.

BY AN IMPARTIAL HAND.

NOB PATRIAM FUGIMUS.

GLASGOW:

Printed by JAMES KNOX, Bookfeller, Glasgow.

And CHARLES ELLIOT, Bookfeller Parliament Close, Edinburgh.

MDCCLXXIII.

I N F O R M A T I O N S  
CONCERNING THE  
P R O V I N C E  
OF  
N O R T H C A R O L I N A .

Migrations to America from many parts of Britain, particularly to the province of North Carolina, from the Highlands and isles of Scotland, have, of late, become very frequent and numerous, and are likely to continue so. Whatever this may be owing to, the matter is serious, and, to some, the consequences are very alarming. The natives of the Highlands and isles have always been remarkable for the strongest attachment to the place of their nativity, and for the highest respect towards their masters and superiors. In these, they were wont to find kind patrons and protectors, and cherishing, indulgent fathers to themselves and families. This endeared to them a soil and climate to which nature has not been very liberal of its favours, in somuch, that they have ever shewn the utmost aversion at leaving their country, or removing to happier regions, and more indulgent climates. That this is true of the Highlanders in general, will be acknowledged by those who are in the least acquainted with them. The cause, then, that could induce a people of this cast, to forsake their native lands, in such numbers, and make them seek for habitations in countries far distant and unknown, must, doubtless, be very cogent and powerful. And, here, let the present land-holders and proprietors consider, whether, of late, they are not greatly to blame? whether they have not begun to shake [4] the iron rod of oppression too much over them? Let proprietors of the largest estates among them, such whose fortunes enables them to figure it away in life, ask themselves, if they have not used every means to estrange the affections of the Highlanders from them? whether they have



not contributed all in their power, and, in a manner, exerted themselves to make their home intolerable and disagreeable to them, and lessen their once strong attachment towards their beloved, though poor country, so as to make them forget their native prejudices, surmount every apparent difficulty, and become emigrants and adventurers to other climes and regions far remote.

The luxury, dissipation, and extravagance of the times, may chiefly account for this change of conduct in the land-holders towards their tenants. Formerly the proprietors resided mostly among them upon their estates, conversed freely, and were familiar with them, were tender of them, cherished, and patronized them; to them the tenants were devoted; to them they had recourse upon every emergency: they were happy, they grew up and prospered under them. The modern lairds, unlike their fore-fathers, live at a great distance from their estates. Whatever misfortunes may befall the tenants, whatever grievances they have to complain of, whatever oppression they may groan under, they have no access to their masters; they scarce know where he lives, or where to find him; or, if they should, it is a long and expensive journey to go where he is; and complaints at a distance are seldom listened to, or properly redressed. Careless and unconcerned the master lives in the circle, as it is called, of the gay and the great. There, is a round of merriment and whim, in a vortex of airy amusements, of giddy and unsubstantial pleasures, and at the height of an [5] expensive, though false and unnatural taste, he squanders away his fortune, and wastes his time and his health at once.

Seldom does he visit his estate, or if he deigns to do it, it is only with an intention to squeeze and oppress the tenants still more, and then betake himself in haste to the same scenes of dissipation and luxury, where, what he has extorted from the over-awed and deluded tenants, soon runs short, and is exhausted. In these visits to their estates, they are commonly attended with minions and sycophants, ever ready to soothe and flatter them, and excite their predominant passions, to the great hurt of the tenants, whom they are taught to look upon, only as instruments whereby to gratify their avarice and extravagance. And when the poor expect relief and protection from their masters, as formerly, they find every avenue and all access to them shut up, or, if admitted into their presence, they find such an

awful distance and state kept, that they are spurned away with looks expressive of the utmost contempt, or dismissed with a volley of oaths and curses, in a language strange and unknown to the most of them.

These gentlemen too, accustomed to live in large and wealthy cities, or in the most fertile and best cultivated provinces of Britain, are greatly shocked, in their visits, at the rude aspect, and sterile face of the Highlands, and at the small progress that agriculture makes in these remote parts. The natives are exclaimed against, as an intractable, idle, and useless set of beings. Without means, without encouragement, at a distance from market, against climate, and soil too, in many places, it is expected of them, that they should cultivate and enclose wide extended heaths, rugged mountain, and large barren morasses. [6] But, may it not be asked, if the proprietors themselves have shewn any extraordinary specimen or examples of this sort among them? have they done any thing effectual towards bringing on, or establishing fisheries, trade, or manufactories on their estates? Such of them as do improve and enclose their ground, is it not at an immense expence, far beyond the reach of most tenants in the Highlands? Are not these things carried on from father to son, through a long tract of time? And, in general, may it not be asked, whether much advantage has, as yet, been made of them? and whether they are not still at a very low pass over all the Highlands? But, at any rate, can it be expected, that tenants, upon short leases, can do any thing remarkable in this way, especially at this period, when, instead of that tender indulgence and encouragement requisite to bring forward agriculture in a country still lying in a state of nature, nothing is heard of but new impositions, new grassums, and a rise of rent equal to, if not beyond, what the gross produce of the ground can amount to? But if, in the opinion of these gentlemen, the native Highlanders are deemed so useless and lazy a people at home, why is any bar attempted to be thrown in the way of their emigrating from their native country? why rather not contribute to send them off, in order to make room for another "set of tenants more able and industrious, that will soon make the country put on a different aspect, that, by dint of labour or magic, shall make their barren wastes, and heath grown mountains, rival, in verdure and produce, the fertile plains of Lothian, or the Carse of Falkirk;" tenants that can bear any load laid upon them

by their tender-hearted landlords, with cheerfulness, and without murmuring? What a happiness for these needy and arbitrary [7] lairds to rule over a parcel of such tame and passive subjects?

But, in the name of wonder! why are such low arts used to hinder the Highlanders from quitting their country? why so much ridicule thrown on America? why so many false representations, and discouraging accounts given of it, in the public papers? and, when these seem to be disregarded, and of no effect, why is recourse had to the daring effrontery of some puny scribbler, to threaten the interference of administration against depopulating the Highlands, and that a parliamentary inquiry was to be made, to prevent any more emigrations, as if the Highlanders were totally ignorant of the world, and of the laws of their country? The Highlanders are not to be intimidated by bugbears; nor are they so little versant in the history and constitution of their country, as not to know that they are free born, and that they have a right to emigrate into any part of the British dominions that they chuse. Such mean hints, and despotic notions, might well enough suit the meridan of Moscow, or of Paris, during the reigns of Peter the Great, or Lewis XIV. How fatal to France was the oppression and persecution of the Huguenots? what a reproach to the memory of Lewis? and how vain were his severe edicts, and all his endeavours, to prevent their emigrating from that country? are facts too well known and ascertained. What ignorance, then, of the laws and constitution of Britain, do writers of this stamp betray? how unworthy are they of the protection and blessing of these laws? what friends are they to domestic tyranny and private oppression, when they thus talk of getting them sanctified, and our chains fastened and rivetted by the authority of a British legislature. It is indeed astonishing, how far ignorance, partiality, and [8] prejudice, will often carry people. But, surely, it must be a new thing in these enlightened times, for one to publish such glaring absurdities, such grovelling sentiments, concerning the right of British subjects to change their place of settlement under the same happy government. None but a rapacious, despotic land-holder, or his greedy, disappointed factor, or agent, could be capable of it. Theirs, then, be all the praise of this generous and well-timed suggestion! theirs also be the glory of falling upon those lucky expedients, by which the Highlanders are forced from their dwellings, and

reduced to the hard necessity of making use of emigrating from their country, which, by all laws, human and divine, they know they are, and ought to be possessed of!

A moderate rise of rents, is what every proprietor has a right to expect, at certain periods of time, in a country advancing in agriculture, trade, and manufactures. How far back the Highlands in general are, in these respects, is too obvious to the view of every visiting traveller: yet no set of people would be more disposed, or ready to give additional rents, and grassums, than the Highlanders, according to their circumstances; for they commonly think it a hardship to change their master, and look upon it as worse than banishment to be obliged to quit the spot where they and their fore-fathers have lived. Some of their land-holders, not ignorant of the prejudices and strong attachments of this sort that prevail among them, and prompted by their own avarice or extravagance, both equally insatiable, have laid down schemes for raising their lands to three or four rents, with grassums. Some of the poor tenants were over-awed, and some others deluded, to take their lands at this immense rise, and, having scarce stood it two years, have become bankrupts [9] and beggars. Thus, though they and their fore-fathers might have formerly lived easy, and made some small provision for their families, they are now, by one sweep of grassum and additional rent, reduced, at once, to the lowest state of indigence.

It is a well known and received maxim, in farming, that the gross produce of the land should be, at least, equal to three of the current rents, or by what means shall the farmer support himself? But, in these modern schemes, this maxim is quite laid aside, and another of a very different and strange complexion is attempted to be substituted in its place, viz. "That the more rent is laid upon any farm, the better shall the tenant be able to improve the land, to pay his rent, and to live well, than when he paid a small rent." In conformity to this refined maxim, some of these gentlemen set part of their lands, and soon found their expectations disappointed. With true tyrannic perseverance, they have tried one set of tenants after another, by the same rule, and have seen them all beggared in their circumstances. When they perceived some tenants of more spirit than the rest, discover an impatience of the oppressions they bore, throw up their tacks, convert the remainder of their subject into cash



and attempted to try their fortunes in another country, and open a door for themselves and friends in a land of liberty and plenty, by a few going this year, 1770, and numbers following the next; then it was, that these gentlemen, with their wonted candour, began to entertain the public with exclaiming against all emigrations in general, with running down a country and its climate, both of which they are equally unacquainted with, by giving false accounts of it, depreciating its produce, its customs, and its trade, though utter strangers [10] to them all. How eagerly do they catch at any discouraging tale, picked up from some sailor or skipper that has but touched on the coast of North Carolina, though at a great distance from our Highland settlers in that province, and having never had any intercourse with them, who wanted both understanding and opportunity to judge properly of their advantages and mode of living? how ready are they to publish these vague and indistinct accounts as ample and satisfactory? But all ship-masters are not of the same cast; some there are who have penetrated among the Highland settlers there, who formerly knew their situation in their own country, and can do justice to that state of ease and happiness in which they now live. Nay, I am well aware, that some few among the Highland gentlemen are no strangers to the truth of what is reported concerning North Carolina; and that, if they would speak out, they know it to be a country no way inferior to what it is represented. Some of them were officers in America, and our common men served as soldiers there during the last war, and both acquired immortal honour. It would seem as if they had made such important conquests in that quarter of the globe, in order to secure to themselves, and their countrymen, an agreeable and happy retreat, and, a large and fertile field for them and their posterity to flourish in. To such as are unprejudiced among them, we might appeal for the truth of the most flattering accounts of North America in general; but, *pudet hoc opprobrium*, they disguise or conceal what they know of it; self-interest biasses them, and makes them suppress the truth, till it is now too late to do so; it is in vain to carry on the farce, for the truth will remain no longer concealed.

And now, is there any wonder, if, under their present [11] discouraging circumstances, and considering the dark and gloomy prospects they have before them at home, that the Highlanders should

seek for refuge in some happier land, on some more hospitable shore, where freedom reigns, and where, unmolested by Egyptian taskmasters, they may reap the produce of their own labour and industry. For this purpose, where can they better betake themselves than to the large continent of America, to that part of it especially, to which some of their countrymen went sometime ago, where their posterity still live well and independently, and to which, of late, numbers have gone, who shew no inclination to return; but, on the contrary, send the most favourable accounts to their friends and acquaintance in the Highlands, and the most pressing invitations for them to follow after them across the Atlantic. Here they still belong to the British empire, and are happy under the benign influence of its administration. Here, at ease, they may enjoy all those civil blessings which the noblest constitution under heaven was intended to communicate to all ranks belonging to it, and to make these blessings permanent and sure.

In the following pages, I mean to give my countrymen a short sketch of the province of North Carolina, with regard to its climate, soil, produce, and manner of settling there, founded upon unquestionable evidence, as well as personal observation, by which it will appear how little credit is due to the ridiculous and discouraging accounts given in the public papers, at the desire of some of the landholders, by which also will be shewn, that of all our colonies it is the most proper for Highlanders of any degree to remove to, if they want to live in a state of health, ease, and independence. No circumstance shall be exaggerated, as it is not intended to deceive or mislead any person; the simple truth shall be told, and [12] let facts be judged of as they really are. And as no man would chuse to be deceived himself, nor would any honest man impose upon others, conscious no charge of this kind can justly be laid against me, when I fairly lay before the world, and my countrymen, the present situation of that province, in the above respects, by which I candidly own, that I myself am swayed, and led to risque my all, and fix my residence there for life. Whether others shall follow my example or whether matters shall strike them in the same light, is what I know not, nor am I much solicitous about; but, in justice to a country so falsely arraigned, so undeservedly depreciated and ridiculed, I venture this brief account under the eye of the public,

and as it may be supported by the concurring testimony of many gentlemen of repute and credit who have been among our settlers in North Carolina, who were at pains to be thoroughly acquainted with their method of settling, mode of living, and every thing relating to them. To shew that they have made a happy exchange, and no people can be in more easy circumstances, or better satisfied with their present condition, I might appeal to numberless letters from those very settlers, to their friends and acquaintance in the Highlands, which may be easily seen, and might, if necessary, be produced. In these letters, we find parents inviting over children that were left behind, children their parents, husbands their wives and families, and brothers their sisters, all describing their state there, as far preferable to what they ever knew before in every respect; and earnestly wishing their relations and connections of every tender tie would go and partake of the same happiness, and no longer remain under home oppression. Surely, if these people, artless and undesigning as they are, could mean to deceive, it must be reckoned a very uncommon and most unnatural [13] deception; nor will it be easy to explain how they should all conspire in the same tale, and, without varying, stumble upon the same favourable accounts.

That these accounts are genuine and true, we hope, will appear from the following general description of the province in question, in which all that is intended, is to lay before my countrymen things most essential for them to know, without launching into the favourite topics of mere travellers, or attending to an exact form and method, like writers on geography.

North Carolina lies between 31 and 36 degrees, and 31 miles N. Lat. 76 and 19 W. Long. from London on the east, it is bounded by the Atlantic ocean, and has about 400 miles of sea coast; on the north it boards with Virginia, and on the south with South Carolina; but its boundaries to the west are unknown and unlimited. It surrounds a part of South Carolina, extending itself, on that side to places as yet unvisited, which are inhabited by Indian tribes. The climate is agreeable and wholesome in general; and, compared with the rest of the northern hemisphere, may be looked upon as the most temperate part of the earth on the north side of the equator. It agrees, in general, with that of Virginia; but where they differ, it is much to the advantage of Carolina. The summers are warmer

than in Virginia; but the winters are milder and shorter; nor are there such sudden transitions from heat to cold, nor such violent extremes as in Virginia. The winters are seldom severe enough to freeze any considerable body of water, and affect only the mornings and evenings, when the air is felt as sharp as in the Highlands; but the frosts have seldom strength to resist the noon-day sun; so that many tender plants, that do not stand the winter of Virginia, flourish here. The sky in winter is commonly clear and serene, and no [14] deep snow is to be seen. The climate in summer is said, by people of observation, to resemble that of Italy and Lisbon, and indeed they lye in pretty near the same latitude. Many are made to believe, that in Carolina, as in Jamaica and the Leeward Islands, the whole year is one continual summer; but this is a mistake; they have the four revolving seasons as in Britain; the transitions to each are gentle and imperceptible. In the months of March, April, and May, their spring, all things are alive; the birds make the woodlands ring with mirth; and the kingdom of vegetables, under the Divine care, springing forth in rich profusion, adorning gardens and meadows with gay and glowing colours; the trees produce their buds and foliage, promising rich fruits in their appointed seasons; and no place can exhibite a richer carpet, and more beautiful verdure. The jessamin, the laurel, the bay, the sassafras, the pines, the honeysuckle, the dogwood, and most kinds of shrubs, enrich the air with their fragrant odours, and the woods are covered with the greatest variety of flowers and blossoms. The mariners, going upon the coast in spring, have smelt the pines when several leagues at sea. About this time the farmer sees his work begin to prosper, and his industry rewarded.

The summer, which is in the months of June, July, and August, may indeed be called hot; the mercury, in an approved thermometer, keeping up from 70 to 80 degrees at noon. Near the coast, and in the sandy parts, the heat would be intolerable, were it not for the breezes, which come from the sea; but, by not exposing the body to the warm sun-beams at noon, a man may always keep himself cool and comfortable in the hottest day; the houses are built airy, so that they always have a cool room to go into. Up the country, and on river sides, the warmth is less intense, the soil being deep and moist, and covered [15] with verdure; nor does the heat hinder people to



travel easily and comfortably the whole day in summer, as they go over a level country under the shade of lofty trees in the woods, which are widely separated, and clear of under-wood. The longest day in Carolina, the sun rises at four, and sets after eight.

September, October, and November, are the autumn months; the first of which, together with part of August, are their rainy and windy months; but, in the month of October, there cannot be a more temperate air, and finer climate, than here, the weather being mild and dry for the space of forty or fifty days.

In the low and marshy parts of the country, the inhabitants, particularly new-comers, are apt to fall into those diseases incident to a moist climate, especially in July and August, when the weather is hottest, and the air becomes stagnant; and, in September, when the weather changes, and the rains fall heavy; then, I say, they are subject to agues, fluxes, and intermitting fevers; but these do not prove mortal; and, in general, it is allowed, that the inhabitants are not affected by any particular distemper, except such as proceed from intemperance, and a neglect of themselves upon their first arrival. The dropsy is very rare; as for consumptions, they are not very destructive; perhaps it may carry off a person in nine or ten years; and that dreadful complaint an asthma, is not known, unless brought from other places; in which case, the climate affords great relief to the afflicted. The three remaining months are the winter season: the air is serene, the weather dry and wholesome, and intensely cold but for a short time; the mercury in the thermometer being all the winter between 30 and 50 degrees, and, when carried into the open air, has never been known to sink lower than 20 degrees. The shortest [16] day, the sun rises half an hour before six, and sets at five. At this season, the country is very agreeable to sportsmen, having plenty of all sorts of game in the greatest perfection; such as deer, which are as numerous as sheep in Scotland; wild turkeys, in flocks, throng as rooks or crows, and weighing about thirty pounds, which shews they are of a large size; geese and ducks, of which last great quantities are taken; eight or ten, when fitting, is but a middling shot. There are also great quantities of partridges, doves, larks, woodcocks, snipes, plovers, and blackbirds, besides a great number of sea fowl; and in the back woodlands, where the chestnut grows, they have the pheasant and the peacock.

This colony is but in a manner in its infancy, and newly settled in respect to its neighbouring ones. There is a great coincidence between the soil, produce, and face of the country with those of Virginia; but, in the fertility of nature, Carolina has the advantage. In a word, the northern parts of it produce the same things with the southern parts of Virginia, and in greater perfection. The southern parts of it produce the same things with which the northern parts of South Carolina abounds; and, as in the back parts it skirts or runs along a great part of South Carolina, the produce is much the same as in that country and is conveyed by rivers or land carriage to Charlestoun, and other ports of that province for sale. Its commodities and general produce are very valuable, consisting of rice, indico, hemp, tobacco, fir, deer skins, turpentine, pitch, tar, raw hides, tanned leather, flower, flax-seed, cotton, corn, pease, pottatoes, honey, bees-wax, Indian corn, barrelled beef and pork, tallow, butter, rosin, square timber of different sorts, deals, staves, and all kind of lumber. This short description will not admit of entering into the manner in which the above commodities [17] are cultivated; but the late settlers there from the Highlands are assiduous in their employments; and this, joined with the hospitality, friendship and harmony, that subsists among them in general, from whatever country, cannot fail, in a short time, of making the province flourish, and of rewarding their labour with independence and wealth, the offspring of ingenuity and industry.

The province is divided into several counties, and intersected by many large navigable rivers; the chief rivers are, Albemarle, Pentaguen, Neuse, Cape Fear or Clarendon, Watere, Santee, Pedee, &c. The only sea bordering on this coast is the Atlantic ocean, which is reckoned shallow for ships of burden to come nigh the coast, except in few places. The coast is low land, and the shallows come on gradually, so that, by sounding, it is easily known when vessels are near enough, so as to make for their destined harbours, which are now found to be equally convenient with the most noted in other provinces, and they are also seated at proper distances along the coast: it is true, that hitherto they have been looked upon as incommodious, but, from the increase and goodness of the commodities raised in the colony, ships begin to find their way with ease, and many ports are frequented with ships from a great part of the trading

world. The harbours of Roanack and Pimlico are famous and well known: many others are good and safe. The most remarkable promontories are Cape Hatteras, in 35 degrees N. Lat. and Cape Fear to the south of it. At the mouth of the river here, vessels of large burden have ready access; and this is the principal and most central river in the province for trade. From the entrance of Fort-Johnston to Brunswick, the former seat of the governors, it is 12 miles up the river, from thence to Wilmington about 15 miles. Wilmington is well situated for trade, as it lies at the confluence of [18] two large branches of Cape Fear river, by which means all commodities from the southern and middle parts of the province centre there; consequently it is, of late, become a place of elegance and wealth: there are many eminent merchants there, and much shipping from the neighbouring colonies, from the West Indies and Britain; so that, for commerce, and a well furnished market of all necessaries, it is at present reckoned the most flourishing, and is still greatly increasing. Here the river is as broad as the Thames at London. The north-west branch of this river, along which I travelled, is navigable about 40 miles above Wilmington for large vessels; but long boats, lighters, and large canoes, carry goods for above 100 miles farther up. On this north-west branch of the same river, lies Cross Creek, or New Campbeltoun, about 100 miles distant from Wilmington in the course of the river. This town is situated in Cumberland county, and the inhabitants mostly Highlanders, emigrants from Argyleshire, and the western isles, are settled in said county. The land, in general, along the sea coast, is light and sandy, and promises little in appearance to a stranger; it is, however, of a generous nature, and helped by a kindly sun, yields corn and tobacco extremely well, and, when flooded, yield rice plentifully. But, along the sides of rivers and creeks, there is a fine black mold, and rich soil, for about a mile and a half back from either bank of the river, which, without manure, returns plentifully whatever is committed to it. This good soil spreads still wider, and improves continually, as you advance into the country, and then it is uniformly good and fertile for immense tracts of land. The whole country is in a manner one forest, where our planters have not cleared it. And at a 100 miles from the sea, where it begins to grow hilly, and mixed with rising grounds, [19] the soil is of an

amazing fertility, fitted for every purpose of human life. Nor can any thing be imagined more pleasant to the eye; than the variegated appearance of this back country. The air is here pure and wholesome, and the heat in summer much more temperate than on the flat sandy coast. It is diversified in the most agreeable manner, with arable lands, meadows, and woods; here and there appear rising hills; and its forests abound with excellent timber, such as oak of several sorts, cyprus, hickory, the pine, the walnut, the ash, the poplar, the beech, the elm, the sycamore, the laurel, the bay, the gum, and the mulberry, with many others not mentioned. This furnishes the inhabitants with plenty of fire-wood, and the best of timber for ship-building and other uses. The woods in general wear a refreshing vesture through the year: and the earth is rendered rich and delightful by the fine rivers and streams which glide through them. Where I travelled, the banks of the rivers from Wilmington to far above Cross Creek, were agreeably adorned with fine seats, villas, and pleasant farm-houses, at moderate distances, on either side, which afforded a most enchanting scene of the ease and happiness which the present settlers enjoy: and, in general, most of the present planters may be said to have a river at their door, and easy conveyance for their commodities to market.

The land in Carolina is easily cleared, as there is little or no under wood, and the woods mostly consist of tall trees, at a considerable distance; and, by the different species of these, the quality of the soil is easily known. The grounds which bear the oak, the walnut, and the hickory, are reckoned the best; they are of a dark sand intermixed with loam. The pine barren is worst, being almost all sand; yet it bears the pine tree, and some useful plants, naturally yielding good profit in pitch, tar, and turpentine. When this sort of land is cleared, which is done very easily, it produces [20] for two or three years together, very good crops of Indian corn and pease; and, when it lies low, and is flooded, it answers for rice. Their low rich swampy grounds bear rice, which is one of their staple commodities. It is, as before observed, that on the sides of the rivers, all the good timber, and large useful trees, are found in abundance; behind these stretches of good land, the country is covered with pines and firs, from which tar, turpentine, and rosin are made, and for which articles there is a fund inexhaustible for many years. In



the forests, the trees are far separate, as I observed, and free of shrubs and under-wood; they are lofty, and very straight, so that a person may ride through them, in any direction, without danger or inconveniency. I have seen the inhabitants hunting foxes, bears, and deer, through the woods, galloping very hard. Nothing surprises an European more, at first sight, than the size of the trees here, and in other American colonies. Their trunks are often from 50 to 70 feet high, without a limb or branch, and frequently above 30 feet in circumference, of which the natives and Indians make canoes, some of them so large, that they will carry 30 or 40 barrels of pitch, though formed of one entire piece of timber. Curious pleasure-boats are likewise made of these. Vegetation is amazingly quick in this province; the soil, in general, will produce most things; the climate has something so kindly, that the soil, when left to itself, throws out an immense quantity of flowers and flowering shrubs. All kinds of European grain grow there, such as barley, wheat, oats and rye, clover and lucern grass. Plants from Europe arrive at perfection here, beyond what they do in their native country. Wine and silks with proper culture, might be had here. For variety of roots and herbs, I believe, it rivals any country. The sassafras, sarsaparilla, the China root, the Indian pink, the golden rod, the horoun, and the snake root of various sorts, are [21] natives here, and found scattered through the woods, together with other medicinal and aromatic herbs. There is a kind of tree, from which runs an oil of an extraordinary virtue for curing of wounds, and another that yields a balm thought to be little inferior to that of Mecca. Besides these, there are other trees that yield gums, liquorice, rhubarb; and other physical roots are found to thrive extremely well. The power of vegetation has been found so great, that a peach tree will bear in three years after putting of the stone into the ground. The fig-tree will bear two crops in the year, of large and luscious fruit. Melons, the Canada peach, and the white common peach, grow well and large, as do grapes, and all kinds of fruit, (except currants, goose-berries, and the red cherry) from the small cherry to the large melon, nothing can be more luscious. The fruit here has such a delicious flavour, that they who once taste of it, will despise the watery taste of that in Britain, where fruit-trees are not natural to the soil. Prodigious quantities of honey are found

here, of which they make excellent spirits, and mead as good as Malaga sack. It is incredible to think what plenty of fish is taken both in their salt and fresh water rivers, which fisher-men sell for a trifle. The fish most admired are the whiting, the angel fish, the king fish, the fat-back, the forgey, the fresh water trout, and the rock fish. Neither herring, turbot, or salmon, can exceed these in richness and delicious taste. Oysters too of a fine flavor are got in the rivers, and on the coast. With all these kinds of fish the market at Wilmington abounds. Here, one may buy all kinds of meats, from the squirrel and opossum to the bullock, and all very good, nothing in England coming up to their pork. Beef and pork is sold from 1d. to 2d. a pound, their fattest pullets at 6d. a piece, chickens at 3 s. a dozen, geese at 10 d. turkeys at 18 d. a piece. But fish and wild fowl are still cheaper in [22] their seasons; and deer are sold from 5 to 10s. a piece. Merchants in the town, and considerable planters in the country, are now beginning to have a taste for living, and some gay equipages may be seen; they are generous, well bred, and dress much; are polite, humane, and hospitable; and never tired of rendering strangers all the service in their power: nor is this mere pageantry and shew; their behaviour at home is consistent with their appearance abroad. Their houses are elegant, their tables always plentifully covered and their entertainment sumptuous. They are fond of company, living very sociable and neighbourly, visiting one another often. Poverty is almost an entire stranger among them, as the settlers are the most hospitable and charitable people that can be met with to all strangers, and especially to such as by accident or misfortunes are rendered incapable to provide for themselves.

The method of settling in Carolina, is to find out a space of King's land, or unpatented land, and to get an order from the governor, which order is given to a surveyor; when the survey is finished, he draws a plan of that space of land, which plan is returned into the office for recording patents, &c. then he gets his patent or right signed by the governor, which is good for ever after; the expence of all this is commonly about ten guineas, and sometimes not so much: supposing the run of land taken up be 640 acres, only there is 2s. and 6d. quit rents paid yearly for the hundred acres.

Besides the Highlanders that are settled in Cumberland county, some late emigrants have betaken themselves to Anson county, which abounds in good ground. In these counties, former settlers dispose of plantations, with some open ground upon them, to new-comers, and retire farther back into the country. Plantations of about 3 quarters of a mile square, have been sold for between 40 and 50l. [23] which produce indico, tobacco, cotton, rice, wheat, Indian corn, barley, rye, and oats without ever being dunged; for, as all the land abounds with nitre, it is a long time before it is exhausted, and they use no manure. I have been informed, that if a settler can keep three servants or negroes clearing his grounds for two years, he may sell 700 bushels of wheat, and 5000 weight of tobacco for every year afterwards, besides many other articles. Two men and four horses will work a large plantation in their best land, after cleared. They often plow with one horse. Wheat is sown in October and November, and some in March. They plant Indian corn and tobacco between April and May. Some lands give three crops in the year. They sow flax-seed the first of March, which they pull the first of May; then they plant the ground with corn, which is ripe the latter end of September, and then sow it with turnip for the winter, which grow very large. The worst growth of Indian corn in good land is 200 bushels for every bushel sown, the best betwixt 4 and 500 for one. The sowing of 2 or 3 bushels of this grain is as much as any planter can attend to; for, in summer, it must be plowed and howed 2 or 3 times, to keep down the weeds, especially in fat ground. Settlers of any substance, when they go over, commonly take up a piece of ground of 640 acres, or a mile square in the plains, or on river sides. At the back of these settlements it is all a common, that is unpatented, or King's lands, till you come nigh another river or creek. The commons are mostly hilly and unbroken ground, and not likely to be soon occupied or taken up; so that the cattle of the neighbouring plantations and farms feed and wander over large tracts without interfering with any body's property, and they are not restricted to any number. I may here observe, that there were neither horses, cows, sheep, or hogs, in America, till carried thither by the Europeans; and now they are multiplied so extremely, [24] that many of them are allowed to run wild in some provinces. Here the settlers have plenty of all European animals. To have 2

or 300 cows is very common; some have 1000 and upwards. I knew a few planters who had 500 calves in a season, and some have more. In the months of May, June, and July, they gather all their cattle into one place on the great common; they range all day at pleasure through the forest; but the calves are separated, and kept in fenced pastures. In these months they make their butter and cheese, and mark all their young cattle, (for each has a particular mark given him by the province, and this mark is recorded) and then they are turned loose into the common again till that time twelve months, except a few milk cows for their families. The cattle here are of a tame breed; and if any of them should stray 100 miles, they are advertised, and returned to the owner, being known by the mark; so that few of them are lost. Their size is larger than that of any cows in the Highlands; fat ones weigh well, and give a good price. It is computed, that from this province there are annually drove to Virginia about 30000 head of black cattle, without mentioning hogs, besides large quantities sold to vessels in their own ports, together with great cargoes of beef, pork, live stock, and all sorts of grain, constantly sent to the Bahama isles and the West Indies. The whole expence of taking up such a run of land as I have mentioned, I mean 640 acres for a plantation to a new settler, will not exceed 10 guineas, between patent, surveyor, and the different offices; a genteel treat is all that is often taken. The most of their labour and toil, then, consists in opening and clearing their grounds, which, as I have observed, is not such a heavy or laborious work, as the trees are far asunder, and there are few shrubs, and no under-growth, and the nature of the soil is loose, and free of stones or any rocks. If one gets 70 [25] or 80 acres once opened upon his plantation, it is sufficient for the support and employment of any single family.

Young healthy negroes are bought there for between 25 and 40 l. Five of these will clear and labour a plantation the first year, so as you shall have every thing in abundance for your family, with little trouble to yourself, and be able to spare many articles for market; to which every year again, as the ground advances in being cleared, you may send great quantities of flower, flax-seed, indico, rice, butter, tallow, pease, potatoes, live stock, pork, beef, and tobacco. And I cannot help mentioning here, the happiness in which blacks live in this and most of the provinces of America, compared to the



wretchedness of their condition in the sugar islands. Good usage is what alone can make the negroes well attached to their masters interest. The inhabitants of Carolina, sensible of this, treat these valuable servants in an indulgent manner, and something like rational beings. They have small houses or huts, like peasants, thatched, to which they have little gardens, and live in families separated from each other. Their work is performed by a daily task, allotted by their master or overseer, which they have generally done by one or two o'clock in the afternoon, and have the rest of the day for themselves, which they spend in working in their own private fields, consisting of 5 or 6 acres of ground, allowed them by their masters, for planting of rice, corn, potatoes, tobacco, &c. for their own use and profit, of which the industrious among them make a great deal. In some plantations, they have also the liberty to raise hogs and poultry, which, with the former articles, they are to dispose of to none but their masters (this is done to prevent bad consequences) for which, in exchange, when they do not chuse money, their masters give Osnaburghs, negro cloths, caps, hats, handkerchiefs, pipes, and knives. They do not plant in their fields for subsistence, but for [26] amusement, pleasure, and profit, their masters giving them clothes, and sufficient provisions from their granaries. The immense increase of India corn furnishes plenty for hogs and horses. The breed of horses here is much the same with that of Virginia, hardy and spirited; they easily break to the saddle, and are bred to pacing; and, as the country is level, and free of stones, and the roads soft and good, they perform great journies in the day, and travel pleasantly. A horse that would give 12*l.* in Britain, may be bought at 8*l.* and so in proportion to their size and value. From 4 to 6*l.* is a common price for a working horse. Every planter has abundance of sheep of an excellent kind, which bear good wool; the new emigrants spin and dress it, and get it made into course cloths and kerseys for their common wear: this manufacture must rise in time. The new emigrants settling up the country are far more industrious than the old settlers or natives; they may live as well and happy as lairds at home. It is computed by people of judgment and observation, that if a person can carry 500*l.* cash with him into that country, he may live as easily as a proprietor of 500*l.* a-year in Scotland, as to the necessaries and conveniencies of life, and so in

proportion to the stock he carries over, and his prudence and management in laying it out. It is not pretended, that they, all at once, can enjoy life in the same taste and elegance as they do in Scotland. Mean time they have abundance, nay affluence, and enjoy independence, which, we all know, is a great sweetener of life and every blessing, and makes up for many superfluous refinements in what is called polite society; and it is universally allowed that the civil arts of life soon take place, and flourish, where mankind become numerous, and are blessed, at once, with affluence, independence and ease; many of the old residents in the inland countries of this province finding themselves soon easy and independent, and [27] being far separated, and not linked together by country, or a close neighbourhood, have become idle, lazy, and much devoted to sport and hunting; and, perceiving that many new settlers are, of late, come among them, they foresee that the deer and other game must, consequently, become scarcer; and they have, in general, little inclination to mingle with the new-comers, who now arrive in such crouds: they also know, that the farther they go back into the country, the land turns richer and better; on these accounts, they willingly quit and sell their present settlements along the rivers, and nearest the coast, to new-comers, some of them induced, merely, by the love of hunting; others from prudential considerations, because of the fertility and pleasantness of the country backwards, and the ease with which it may be wrought and cleared. One of these plantations, consisting of 640 acres, and 70 or 80 acres of it clear, with a good mansion-house, and all necessary office-houses upon it, may be purchased for 160 l. I have seen one of not much less extent bought for 60 l. and the very first year the purchaser made 11 hogs-heads of brandy of the peaches and apples in his garden, and some cyder, besides what he disposed of in cattle, grain, and live stock. Here a poor man need not fear the want of meat or employment, most victuals being very cheap. From the granaries, on the farms, a man for 6d. Sterl. may buy what will maintain him 8 days, at 3 meals a-day; and, if he carries over with him, as much coarse cloth and linnen, as will serve him for a year or two, he needs not doubt of soon being well fixed, and at ease for the rest of his life. A friend of mine, a few years ago, carried over passengers to Cape Fear; among these there were many poor people unable to pay for their

passage, who therefore went as redemptioners; that is, if in 40 days after landing, they could not find money among their friends or acquaintance, or by some shift of their own, to pay for their passage, [28] they were then bound to serve for 3 years after landing; there was none of them but relieved themselves before the time; many of them having no friend or acquaintance in the place, got people there to take them by the hand, and pay for their passage, and soon fixed them in such a manner, as that they had plenty to live on; the present situation of the colony will easily account for this; a number of the first settlers there, and of the late emigrants, who have made any considerable purchase, have large tracts of land lying waste and uncleared for want of hands; they have a good part of a plantation open, with some servants and negroes upon it, by which they raise great stores of provisions, and they have plenty of cattle; the owner of an estate, that has 80 or 90 acres open upon it, has a scope of many hundreds, some of thousands of acres, equally good with his open ground, but not cleared for want of hands; these settlers are continually on the watch for new emigrants, and engage as many of them as they can to fix upon some of their wood-lands, for clearing part of them; these are supplied with plenty of provisions the first 12 months, and have permission to sell as much tar, turpentine, and staves, as they please, for their own use; they are furnished with all implements for clearing the ground, and improving it; negroes are often given them to assist them; then they get so many milk-cows, so many hogs to breed, &c. they sow Indian corn and other grain for their own use; their task is to attend to the rearing of cattle, and breeding of hogs, and to take care that they clear, properly, as much ground as they and their families, with the assistance of negroes, are able; for their trouble, they have from the owner the 3d part of whatever the land so cleared produces, the 3d bushel of whatever grain, the 3d calf, the 3d pig, &c. This is a great spur to their diligence, and an ample reward for their toil, which is far from severe, and soon puts the new-comer in condition [29] to plant lands for himself; and he frequently gets free land of his own from his master, contiguous to the estate he has wrought upon; so that in a few years, a poor man, with a throng family, may work himself into affluence, and lands of his own, and have plenty wherewith to stock it at once, and with little trouble may increase it every year. From

all which it is plain, that no person can be in want for any time; nor are beggars or vagrants to be seen in that country. The poorest set of people whom I saw there, are such as ply as sailors, or watermen rather, on boats and lighters, up and down the rivers: they are generally drunkards, and can be of little use in any other way; yet these get half-a-crown a-day, and 3 gallons of rum per week. Upon the whole, it is the best country in the world for a poor man to go to, and do well. The settlers far back in the province; who are at a distance from a river, send their goods for market in large waggons to the town of Cross Creek, where may be seen 40 or 50 of them in a day, and these waggons belong to the planters themselves. At this place, the merchants of Wilmington have stores and agents to buy and lay up the goods; and they are conveyed by water to Wilmington in this manner: these merchants, or the settlers along the river, make large rafts of timber, as is common in Holland; upon these they lay their beef, pork, and flour, in barrels, also their live stock, Indian corn, raw hydes, butter, tallow, and whatever they have for market: boats and canoes always accompany these rafts: on these, again, are brought up the river whatever goods are taken in exchange. The planters dispose of their goods to merchants in town, or to ships at Wilmington, where there are many now from Britain, the West Indies, and the different colonies; to these they sell their goods, and in return, bring back sugar, rum, salt, iron, &c. and the rest in cash. The credit of the Highlanders, though but lately gone thither, is as good with the [30] merchants at Wilmington as that of the oldest settlers in the province, as they find them punctual and industrious; and, for all goods brought down the river, there is commonly a quick sale, in barter of goods, or in ready money. As in every rising colony, so in this, tradesmen are much wanted; and the demand for them must increase in proportion to the number of settlers that resort to it. Accordingly, at present, tradesmen of all kinds have the greatest encouragement here; those most in request, are mill-wrights, coopers, wheel-wrights, house and ship-carpenters, blacksmiths. Here farmers would get good employment; fullers, dyers, and stocking-weavers, are much wanted. The ship-carpenters get 13s. per day; the cooper half-a-crown for every barrel he makes; the taylor from 30 to 40s. for the bare making of a suit of clothes; the shoe-maker from 5 to 6s. for making a pair of shoes; wrights



and masons 5s. a-day ; weavers get every 4th yard for working either woolen or linen cloth, and so on. To enter into more particulars would require a volume.

To such of my countrymen as incline to emigrate to this country, I would point out the month of August as the fittest time for their leaving home, by which means they reach there in the season of most plenty: they have the winter also before them to work at clearing of ground, and naturalizing themselves to the climate, which for them is most dangerous, as I said, when the heat of summer, and the rainy season comes; the complaints most common there, are fluxes, fevers, and agues. Upon their arrival among their friends and countrymen in North Carolina, Highlanders are kindly received, and sumptuously entertained, with a variety of rich and fresh meats, and the best of drink. The serenity of the air creates a keen appetite, and the generality of new-comers, after a long confinement during the voyage thither, and not being used to [31] such luxurious fare, are apt to indulge themselves too much, tempted by such good living, and delicious fruits as abound there, which sometimes produce bad consequences. I would therefore offer them a caution, and recommend temperance and abstemiousness to them for the first season, till, by degrees, they are inured to the place; and thus, by using gentle exercise, and living moderately, they will escape the hazards that people run by a change of climate; and, when once naturalized to it, they are in no danger, but may be out late or early, travel by night or day, go the same lengths, and use the same freedoms, they were accustomed to at home, and with equal safety.

I have now finished the general sketch which I proposed to give of this province to my countrymen, from which, though not arranged in an exact and regular order, I flatter myself, it will appear to them abundantly inviting in respect to climate, soil, produce, and manner of settling there. Here we see, that a man of small substance, if upon a precarious footing at home, can, at once, secure to himself a handsome, independent living, and do well for himself and posterity. The poorest man, if he can but work, procures, at once, plenty of subsistence, which grows yearly upon his hands, until, by gentle and agreeable labour, he arrives, at last, at a state of affluence and ease. None of either sex or profession need fear the want of employment, or an ample reward and encouragement in their differ-

ent occupations and callings. All modes of Christian worship, not detrimental to society, are here tolerated, as in the other royal governments in North America. The church of England is the established religion; but the Presbyterians are most numerous; and divines of that order might here find decent livings; lawyers and physicians are here respected; professors of the sciences are as yet few; teachers of youth are much caressed, and wanted. A rising colony [32] is always reckoned a proper field for the honest, industrious merchant to prosper. Tradesmen, mechanics, and labourers of all sorts, have here an ample range before them: hither then they may repair, and no longer remain in a starving and grovelling condition at home: they may hasten across the Atlantic, and carry over with them some remains of the true old British spirit before it be totally vitiated and extinguished: thither let them import their yet generous and liberal sentiments: let them transport thither the polite arts and sciences, that they may grow up and flourish in a happier clime, and under more benign skies. Here each may sit safe, and at ease, under his own fig-tree, indulging himself in the natural bent of his genius, in patronizing the useful arts of life, and in practicing the virtues of humanity. In a word, let the Highlanders only compare the situation of the country they now live in, to the country of which I have given them but a rude and imperfect draught, and then, if they can, let them long hesitate about the choice they are to make.

Portaskaig in Islay }  
 May 24th, 1773. }

SCOTUS AMERICANUS.

THE END

## HISTORICAL NOTES

EDITED BY D. L. CORBITT

The notes included in this issue of THE REVIEW are on miscellaneous topics, ranging from original documents and letters to a descriptive paper of "The World's Largest Man," who according to the records was a native of North Carolina.

### "NEW PLANTATION AT CAPE FLORIDA. CAROLINA."

Notice is hereby given to all ingenious and industrious persons that there is a new plantation begun two years since on the main land between Virginia and the Cape of Florida, at a place called Cape Fear in the Province of Carolina, in the latitude about 34 degrees. It is a climate most desirable for its temperature and fertility, and those that are there have written, and those lately come from there do testify; they have two crops of Indian wheat in one year, and all grain, plants, and seeds that they commit to the earth do prosper exceedingly.

They have naturally growing abundance of most stately timber of most sorts in England, but very many other sorts not known to us, as cedar, pines, sassafras, and other sweet woods; vines, also mulberry and olive trees, from whence come the three rich commodities of wine, silk and oil. They have abundance of turkeys and other fowl in the woods, and great stores of sturgeon, salmon, and many sorts of other good eating fish, both flat and round.

They have since planted and produced very excellent tobacco, indigo, cotton and potatoes, and other roots and fruits proper to Barbadoes, Virginia and Bermudas, the nearness to which last mentioned places makes the plantings thereof more easy. The privileges wherewith it is endowed makes it yet more desirable, the principal whereof follows:

1st. There is full and free liberty of conscience granted, that those that are truly conscientious may have liberty to worship God according to their own way, provided they behave themselves orderly towards the Civil Government.

2nd. They shall choose from among themselves 13 persons or some other odd number, one whereof the Lords will appoint for

Governor, and half of the other for his Council, which Governor is to rule for three years, and then learn to obey.

3rd. They shall choose from among themselves an Assembly (in the nature of Parliament), who shall have the sole power of making all laws and laying taxes when need requires for the use of the Colony, and the Governor and Council to see the laws put in execution.

4th. They are to have freedom from custom in England for all wine, fruit, currants, almonds, oil, olives, and silk they can produce for seven years, to commence when four tons of these commodities are at once imported in one ship.

5th. Every man and woman that transport themselves before 24 June next, being 1667, shall have for himself, his wife, and each of his children, and every man servant he shall bring armed with a firelock or matchlock, musket of statute bore, with ten pounds powder, twenty pounds of bullet, one hundred acres of land for each of them, to him and his heirs forever, paying for every 1000 acre 10 S. per annum to the Lords for an acknowledgment, and for every woman servant and slave 50 acres.

6th. Every servant at the expiration of their service (which is four years or six) to have the same quantity of land for him or herself that their master had for their bringing over and on the same conditions. Also the master is bound to give them two suits of apparel and a set of tools to work with when he is out of his time.

If any desire to transport themselves thither, as servants desire to be entertained, they may take the opportunity of the Virginia fleet, from thence find easy passage thither, it being but three or four days sail.<sup>1</sup>

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A study of the following description of Ocracoke Inlet will make clear why it was so difficult for large vessels to enter the ports of Pamlico Sound.

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<sup>1</sup> This article was first published in the *American and West Indian Colonial Paper*. No 377, page 144. A copy of the original is in the History Scrap Book, North Carolina Historical Commission, from which this is taken.



A  
D E S C R I P T I O N  
OF  
OCCACOCK INLET;

and of its

COASTS, ISLANDS, SHOALS, and ANCHORAGES:

With the COURSES and DISTANCES to and from the most

Remarkable Places,

And DIRECTIONS to sail over the BAR and thro' the CHAN-  
NELS *Adorned with a M A P, taken by actual survey, by Jonathan  
Price.*

*(Entered according to Law.)*

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NEWBERN:  
FRANCOIS-X MARTIN

1 7 9 5

# A DESCRIPTION OF OCCACOCK INLET

Occacock Inlet lies in thirty-five degrees and five minutes, north latitude. It is the only one which admits vessels of any burden, bound to any of the ports of entry or delivery of the State of North Carolina, excepting those on Cape-Fear river and those of Beaufort and Swannsborough.

It opens, between Occacock and Core banks, into Pamlico sound—a kind of inland sea, about one hundred miles in length and from twenty to thirty in breadth, receiving with Albemarle sound, which joins it to the north, the waters of most of the rivers that run through the state.

Occacock was heretofore, and still retains the name of, an island. It is now a peninsula; a heap of sand having gradually filled up the space which divided it from the bank. It continues to have its former appearance from the sea; the green trees, that cover it, strikingly distinguishing it from the sandy bank to which it has been joined. Its length is three miles, and its breadth two and one half. Small live oak and cedar grow abundantly over it, and it contains several swamps and rich marshes, which might be cultivated to great advantage; but its inhabitants, depending on another element for their support, suffer the earth to remain in its natural state. They are all pilots; and their number of head of families is about thirty.

This healthy spot is in autumn the resort of many of the inhabitants of the main. One of its original proprietors, who has attained his ninetieth year, still resides on it, and does not appear to feel any of the infirmities of age.

The coast from Occacock to Cape Hatteras is sandy and barren, tho' near the Cape, are marshes and swamps which would admit of

cultivation; its breadth is from one quarter of a mile to two miles, and the distance to the Cape, thirty miles. A reef of sand covered with water extends along the coast, on the side of the sound, about three miles wide. The outer border of it is dry and in the inside are channels for small vessels and boats, but the passage through them is difficult to those whom habit has not made it familiar.

Cape-Hatteras and the land from it towards Occacock, to the distance of about thirteen miles, are covered with large evergreen trees, such as live oak, pine and cedar. Here are three large and remarkable sand hills, called Stowe's Hills. The coast afterward is a bald beach, intersperced with a few low sand hills; about eleven miles farther is a group of trees, called the Six Mile Hammock, from its distance from Occacock—from thence the coast is quite barren and sandy. On approaching the inlet two small islands, lying on the north east side of Occacock, are seen over the bank. Their name is Negro Hammocks.

Cape-Hatteras shoals have always been looked upon by seamen not well acquainted with them as extremely dangerous—European mariners especially are in great dread of them—but having lately been examined and actually surveyed, they appear not so perilous. The outermost part of them is from twelve to fourteen miles from the land, south south west half south from the point of sand on the cape, east half north thirty-five miles from Occacock bar; and has no less than three fathoms water, upon any part of it. It has the appearance, at a small distance, from the looks of the breakers and color of the water, to be almost dry sand. The shoal from the extreme point forms an acute angle, the out side of the north part running north by west, about one miles and a half; the south side west south west, nearly the same distance. A vessel will sail off, on the outermost part into fifteen, thirty and sixty fathoms, and from that out of soundings, in eight or ten casts of the lead. Within this shoal is a channel, about four miles wide, seven fathoms deep throughout. The next shoal towards the shore is nearly of a similar figure, with no less than two and one half fathoms at low water. About six miles from the land is another channel at least four and five fathoms, and at some casts of the lead, seven fathoms of water; the bottom being uneven and shelly.

The next shoal is called the Diamond Shoal, from its figure: its extreme point, distant from the point of sand on the cape, one mile

and a quarter. The shoalest water thereon is ten feet. These are all the shoals that are to be noticed. There is another channel about half a mile from the land, of twelve feet water, but as there are several courses to be steered, persons not acquainted of it, should not run the risk of falling through it.

The course from the middle channel to Occacock bar is west south west, thirty miles.

On the south west extremity of Occacock, at the distance of about one half of a mile, is the North Bar, over which are ten feet of water. Between this and the South-Bar, is a large shoal called the North-Breaker, about two miles and one half in length, and one in its utmost breadth. It is very shoaly and dangerous, except at its southern end, over which, for the distance of a quarter of a mile, there are nine feet of water. Over the southern bar, the depth of water is eighteen feet. On the southwest side of it is a still more dangerous and larger shoal, called the South-Breaker. On the north west of which is a bank of sand called Dry-Sand: which, except during a gale, is never covered with water. It is about one mile in length, and one half of a mile in breadth. Lately grass and some shrubs have grown on it, and it is not improbable it soon will have some trees.

At the distance of about one mile from this bank, in a south west direction is Core-Bank or the shore opposite to Occacock, the extremity of which is called Portsmouth. The water between is shallow, and the distance from shore to shore is three miles.

In the year 1753, or the following, a town was laid off here in pursuance to an act of assembly, but it does not appear to have ever been settled. A fort was also about the same time erected—but there remains now no vestige of either.

Towards the Ocean, Core banks are sandy and barren, and towards the sound is a large marsh: small shrubs cover the middle ground, on which are a few farms; but none of them is considerable. Along this bank is a boat channel, on the opposite side of which is a very large shoal called Sheep Island Shoal, from an island of that name, which the water now covers entirely. This shoal is many miles in length and breadth.

After sailing over either of the bars, vessels of burthen, whether they be bound to Neuse, Pamlico or Roanoke river, or any part of



Albemarle sound, pass through Ship Channel or Wallace's Channel. Small vessels, bound for Albemarle sound, drawing less than six feet of water, may pass through Teache's Hole, which is a small channel running on the west side of Occacock, about half a mile in breadth.

Ship Channel runs between a large shoal called The Middle Ground, and a smaller one called Beacon Island Shoal. The water from the inside of the bar near the middle of this channel is from four to seven fathoms deep. Here is a spot called the Bulk Head, on which there is only ten feet of water: after which the water deepens again to three fathoms, until the Swash at the end of the channel, where there are eight feet and one half of water.

After passing this channel, small vessels bound to Albemarle, may go between the middle ground and another shoal called the Royal Shoal through a smaller channel, named, from its depth of water, the Five Feet Slue or Sluice.

Beacon Island Shoal is from five to six miles in length, north northwest and south southeast, its breadth is irregular, and in its utmost extent is about one mile and one half. It is at some places from ten to twelve inches, at others from two to three feet, under water. Towards its upper part are two rocks of shell, called Great Shell Rock and Little Shell Rock, near them, a little to the west, are two other rocks, called the Flounder Rocks; and towards its lower part is

Beacon Island, which is an island of marsh, between Wallace's and the ship channel, three fourths of a mile in length and from eighty to one hundred and sixty poles in width. It is sometimes covered with water, except the south end which is higher, sandy, shelly, and covered with shrubs. On this extremity a fort was erected in the years of 1794 and 1795, in pursuance to an act of Congress. Vessels sailing in either channels must come within 170 poles from the fort.

*Bearings and Distances.* To the south bar, S. E. by E.  $\frac{1}{2}$  E.  $4\frac{1}{2}$  miles. To the north bar, E.  $\frac{1}{2}$  S. 4 miles. To Occacock E.  $\frac{1}{4}$  S.  $2\frac{1}{2}$  miles, 24 poles. To David Wallace's, sen. (Portsmouth) S. S. W. 2 miles, 32 poles.

A stake is placed at each of the extremities of this shoal, others at the bulk head, swath, &c.

Shell-Castle Shoal is separated from Beacon Island Shoal, by a channel running between them, six feet deep, nearly half a mile wide, and two miles long, which affords shelter to boats and lighters. This shoal is about two miles long and one half a mile wide, on the south side of it, is

Shell-Castle, built on a rock of oyster shells, half a mile in length and about sixty feet in width, dry at low water. On the north side of it is nothing but a large bed of shells, from two, to two and one half feet of water. The tide ebbs and flows from twelve to eighteen inches. Wallace's channel runs on the south side, within forty feet of the rock: its depth there is three fathoms and one half.

The castle was built by John Gray Blount, Esq; of Washington, and Mr. John Wallace, in 1790. The last gentleman resides on it: besides his dwelling-house and its out-houses, which are commodious, here are ware-houses for a large quantity of produce and merchandize, a lumber yard and a wharf, along side of which a number of vessels are constantly riding. These late improvements contribute much to the usefulness of the establishment, and give it the appearance of a trading factory. A notary public's office is kept here.

The Congress, in 1794, directed by law the erection of a lighted beacon on Shell-Castle; and the legislature of the State ceded its jurisdiction over it to the United States, in the following year.

Nature seems to designate this spot as the site of a commercial town, which will one day serve as a common warehouse and place of shipment, for all the produce collected on Neuse, Trent, Tar, and Roanoke as well as on the smaller rivers and creeks which they receive. The land, it is true, must be reclaimed from the water; but this undertaking is not to be compared to a number of others, which the hand of industry has accomplished in the pursuit of advantage less considerable.

It was thought by many, when this place was first improved, that the neighboring element would soon assert its right, and wash away the castle; but since the great storm in August, 1795, which hardly did any damage to it, their fears have vanished.

The great expense of money and the danger of attending the use of lighters, which the shallowness of the rivers renders necessary to

vessels of burden, is so considerable a drawback and so much enhances the price of our commodities, which are generally cumbersome, and of small comparative value, that it is desirable this state may be placed soon on a more even footing with her neighbors, by the establishment of an entrepot here, from which our larger shipping might sail and load with safety and dispatch. The convenient situation of Shell Castle, to all the rivers which empty into the sound, would render the transportation of produce and merchandize to and from the Castle, in smaller vessels, cheap, easy and safe.

The attention of the federal government cannot be kept long from this spot, as a proper place for the establishment of an office for the security and perhaps the collection of the duties—as a proper station for the vessels kept for the protection of the revenues of the union, and the prevention of a contraband trade.

*Bearings and distances.* To the bar E. S. E. 6 miles. To the south end of Occacock E.  $\frac{1}{4}$  S.  $4\frac{1}{2}$  miles. To Casey's point, south,  $1\frac{1}{2}$  mile. To the southwest beacon W. by N. 4 miles. To the northwest beacon N. W. by N.  $5\frac{3}{4}$  miles. To the fort on beacon island E.  $\frac{1}{4}$  S.  $13\frac{1}{4}$  miles. To the swash of the old ship channel N. W. by N.  $11\frac{1}{2}$  miles. To the swash of Wallace's channel W. by N.  $11\frac{1}{4}$  miles.

A little lower between Shell Castle shoals and Dry-Sand are two other shoals. The first about one-half of a mile long and nearly one quarter wide, called Rimus, the next called Aries is about the same size.

Wallace's Channel runs between Sheep Island shoal and Shell Castle shoal. It is only passable by vessels drawing no more than seven and one half feet of water. It has a safe anchorage before the Castle.

The Royal Shoal is large and dangerous. It is about five miles long and three wide, the Five Feet Sluice separates it from the middle ground. It is from two to three feet under water. On the southwest and northwest points of this shoal were heretofore stakes, to which floating beacons have lately been substituted. The northwest side is the most dangerous, many vessels having been stranded there; the stern of a vessel may be in three fathoms of water while her

bow is in three feet. The south side is quite safe; the foundings are gradual and there is a good anchorage, in two fathoms of water, soft bottom.

*Bearings and Distances.* From the southwest beacon to the mouth of Neuse river W.  $\frac{1}{2}$  S. about 25 miles. The water is deep. To that of Pamlico or Tar river N. W. distance 30 miles.

The Middle Ground is the largest shoal, surrounded by the ship channel, the five feet Sluice, the sound and Teache's hole. It is from two to three feet under water. There was heretofore, on the south end of it, an island called Gale's Island, now covered by six feet of water.

*Directions to sail through Wallace's channel.*

From the south-west point of the Royal Shoal steer E. N. E. two miles and one half; when you will see the swash straddle. When you come about one half of a mile from the North swash straddle, steer S. by E. one mile and a half, until you see the south swash straddle, bring that and David Wallace's jun. house (Portsmouth) to bear as one; you will go through the best waters. Give the stake a birth of about forty yards to the east, and you will go over the swash in seven and a half feet of water into two fathoms and from that into two fathoms and a half. Being now in Wallace's channel, steer E. by S. one mile and a half, and drop your anchor, in three and a half fathoms of water, abreast of the castle; good holding ground.

*Directions to sail through the ship channel.*

From the north swash straddle bring the east end of Great Shell Rock to bear in one with the fort, and run three fourths of a mile; you will shoal your water on the swash; then bring the east end of Little Flounder Rock to bear in one with the castle, and you will go over the swash in eight and one half, or nine feet of water. When you are over into deep water, steer for the north end of Occacock, till you see the bulk head stake; then steer, for a small bank or hillock of sand covered with grass, till you see the fort in one with



David Wallace's house (Portsmouth) then you are over the bulkhead, then steer S. S. E. for the east end of the dry sand shoal, till you get into Wallace's channel.

*Directions for coming over the South-Bar.*

Bring David Wallace's sen. house (Portsmouth) to bear west two degrees north, and steer for it till you bring the Castle to bear W. N. W. and the north end of Occacock, N. by W. then steer for the fort on Beacon island, and you will go over the bar in eighteen feet of water. Keep that course until you come into five fathoms, then steer for the north end of the Dry Sand shoal; the breakers on the south always show it plainly, when it is windy. You may go as near the dry sand as you please.

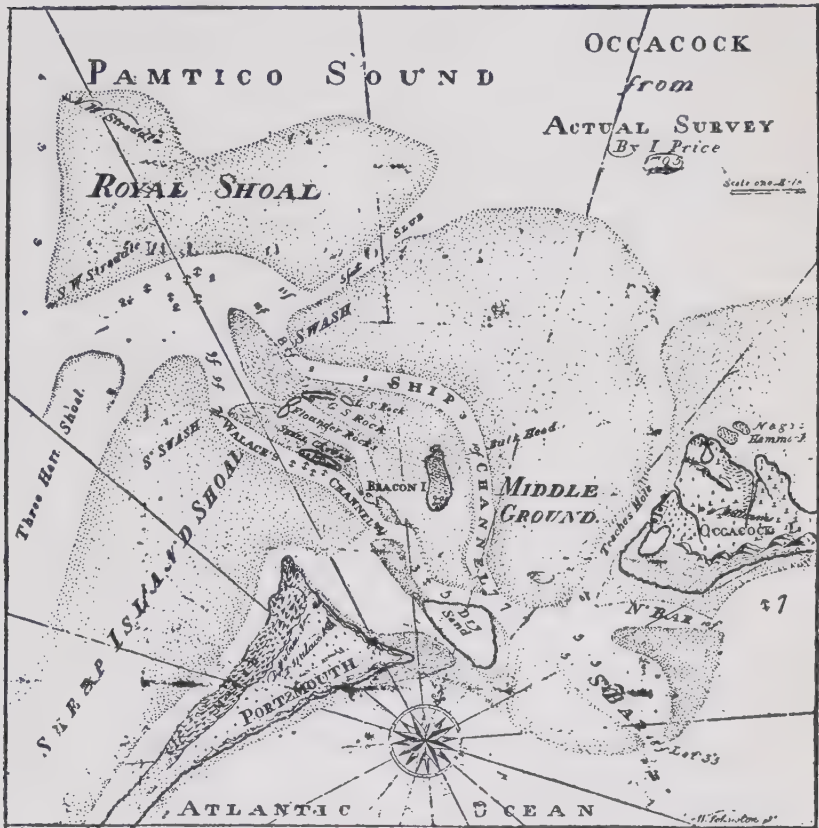
*Directions for coming over the North-Bar.*

Bring David Wallace's sen. house (Portsmouth) to bear W. by S. and steer for it. When you are over the bar, the shoals will appear plainly on each side, especially the west end of the north-breaker, which is sometimes dry, at low water, and the breaking of the waves over it is always high. If it be flood tide you cannot keep too near: when you pass the point, keep close to it least the tide should carry you on the middle ground. Then steer S. S. W. till you come well over the south breaker, and you are in the channel leading over the south bar.

*Rates of Pilotage*

For every vessel or vessels drawing any draft of water under 8 feet, from the outside of the Bar into Beacon Island Road or Wallace's Channel, at the option of the commander, 5 silver dollars: and for every ship or vessels that draws 8 feet water or more, and under 12 feet,  $\frac{5}{8}$  of a dollar per foot; and for every ship or vessel drawing 12 feet water or more, 1 dollar per foot; and the same fees out over the bar as in; and for every ship or vessel over either of the Swashes, 2 dollars; and for every ship or vessel from the mouth of the swash to either of the ports of Newbern or Washington, drawing any draft of water, 1 dollar per foot; and for every ship

or vessel from the mouth of the swash to the port of Edenton, 12 dollars, and to the port of Camden, 10 dollars; and the same allowance down as up.<sup>2</sup>



The following note gives more evidence of the attitude of the people in Perquimans and Pasquotank counties towards the Quakers freeing their slaves. Because of religious scruples, the Quakers did not want to hold their slaves, but chose to give them their freedom. They believed that all slaves should be freed. Neither did they like to sit as jurors, and were often relieved from duty by the courts on petition. In the minutes of a term of Pleas and Quarter Sessions held in Perquimans County, January 1788, is found the following:

<sup>2</sup> History Scrap Book, North Carolina Historical Commission.

"The Petition of Sundry of the People Call<sup>d</sup> Quakers who were Summoned and Return<sup>d</sup> as Jurors to attend this Court was Read. Praying to be Excused from Serving as Jurors, which after Considering and hearing the Reasons both for against it, It is the opinion of the Court that the Prayer of the Petitioners be granted."

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### WILLIAM SKINNER RESENTS THE ACCUSATION OF BEING ALLIED WITH THE QUAKERS IN AN EFFORT TO HAVE ALL SLAVES FREED

North Carolina            }  
Perquimans County       } October Court 1787

Foster Toms late of Perquimans county was attached to answer William Skinner<sup>3</sup> of a Plea of Trespass on the Case Jr. And whereupon the said William by William Cumming his Attorney complains that whereas the said William now is a good true, faithful citizen of the State of North Carolina and of the United States of America and from the time that the said State hath become a separate and Independent State hath been held reputed and esteemed a good true, faithful Citizen and of honest Fame, Credit, Reputation by all the citizens of the said State to whom he was known by reason of which good Name, Fame and Reputation he had gained the Confidence & Esteem of all the Inhabitants of the said County whereby he was promoted to several important Offices and employments for the preservation of the Peace, Liberties of the said State and was repeatedly returned by Unanimous Votes or Suffrages of the Freeholders, Inhabitants of the said County to represent them in the General Assembly of the said State and was proposed by many respectable Inhabitants and Freeholders of the said County to represent the County aforesaid in the next General Assembly of the said State yet the said Foster Toms not ignorant of the premises but contriving and maliciously intending to injure the said William in his good name, Fame, Reputation and to subject him to the Penalties inflicted by the Act directing the method of electing Members of the General Assembly, other Purposes and also to prevent

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<sup>3</sup> William Skinner was a member of the State Senate from Perquimans County in 1785. *North Carolina Manual* 1913. He was a Justice of the Peace in 1784 and from 1786 to 1789. *Court Minutes of Perquimans County*.

the said William from being elected to represent the said County in the General Assembly did on the first day of August and at divers other times at Perquimans County aforesaid in the presence and hearing of Divers good true, honest Inhabitants, Freeholders of the said County speak pronounce publish and declare These false scandalous, opprobrious words following, to wit, "General Skinner (meaning the plaintiff) "has agreed with the Quakers<sup>4</sup> that if they "will elect him a Member of the Assembly he will endeavour to get a Law passed for freeing their Negroes" (meaning that the said William had entered into a wicked, detestable Agreement with the society of the People called Quakers, to procure a Law to gratifie their partial views and wishes, destructive to the Interests of the Inhabitants not only of the said County but of the State in General in order to procure himself to be elected a Member of the General Assembly) by means of speaking which false feigned and scandalous words the said William was greatly hurt in his good Name, Fame Reputation, credit in the Opinion, estimation of many good worthy citizens Inhabitants & Freeholders of the said County so that he thought himself under the necessity of doing away the malicious slander by a publick trial before he offered himself loaded with the infamy of so scandalous a charge to represent the said County in the ensuing General Assembly and actually did publicly decline to offer himself as a Candidate till he was acquitted of so foul a slander Wherefore the said William says that he is injured and made worse to the Value of Five hundred pounds And therefore he brings suit Y<sup>e</sup>.

WILLIAM CUMMING *Plt. Atto.*<sup>5</sup>

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The following article, "The World's Largest Man," was prepared and sent by F. A. Sondley to Colonel Fred A. Olds, Collector of the Hall of History, to be placed on exhibit:

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<sup>4</sup> The Quakers began to free their slaves in the 18th century, and various laws were passed to check the practice. See *State Records of North Carolina* vol. XXIII, page 203, and vol. XXIV, pages 14, 15, 221, 964. Acting on the provisions of these laws many slaves which had been freed were taken up and sold into slavery again. See "Historical Notes" *North Carolina Historical Review*, Oct. 1924

<sup>5</sup> Perquimans County Court Papers.

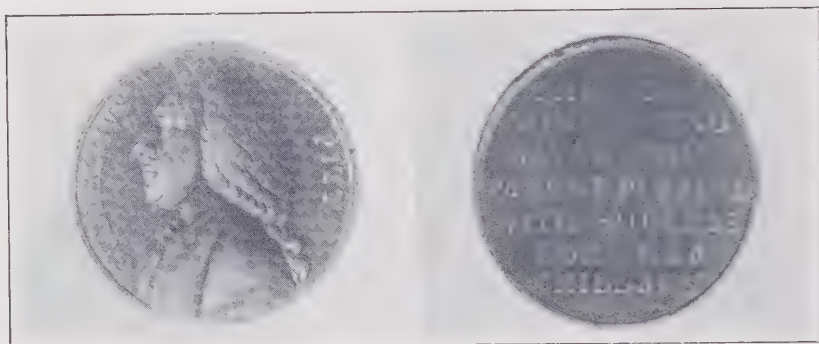


## THE WORLD'S LARGEST MAN

Often statements are found in books and newspapers purporting to give a list of the things in which North Carolina is foremost. Strangely enough the most remarkable of those things in which the State is preëminent is never mentioned in any of those statements. Probably very few North Carolinians ever heard of that truly wonderful phenomenon. If any one should ask who was the largest man in human history, almost certainly the answer would be Daniel Lambert. Possibly such an answer would not be surprising if it came from one who was not a North Carolinian. Books of good authority have repeated this assertion for many years. Thus the leading work on British biography, *The Dictionary of National Biography*, edited by Sidney Lee, volume 4 of which appeared in 1909, begins an article by saying, "Lambert, Daniel (1770-1809), the most corpulent man of whom authentic record exists, elder of two sons of a Daniel Lambert who had been huntsman to the Earl of Stamford, was born in the parish of St. Margaret, Leicester, on 13 March 1700." See page 448 of that volume. According to this same work, the English large man died at Stamford on July 21, 1809, after attaining the weight of 739 pounds. (*Id.* 448-449.) This was certainly a large man. But in this matter of weight he was far exceeded by a native of North Carolina.

Miles Darden was born in North Carolina in 1798, and died in Henderson County, Tennessee, January 23, 1857. He was seven and one-half feet high and at the time of his death weighed a little over 1,000 pounds. In 1839 his coat was buttoned around three men, every one of whom weighed over 200 pounds, and together they walked in it across the square at Lexington. In 1850 it required 13½ yards of cloth one yard wide to make Darden a coat. Until 1853 he was able to work, but after that he required to be hauled around in a two-horse wagon. His coffin was eight feet long and thirty-five inches deep and thirty-two inches across the breast and eighteen inches across the head and fourteen inches across the feet. Twenty-four yards of black velvet was necessary to cover the sides and lid of the coffin. Miles Darden was twice married and left children, none of whom attained to his gigantic proportions. See Appleton's *Cyclopedia of American Biography* Volume II, page 77 (1895), and other authorities.





THE WILLIAM PITT MEDAL

Thus Miles Darden, the North Carolina giant, exceeded Daniel Lambert in weight by more than a third and was undoubtedly the largest man who ever lived. To see such a being moving about would give to the observer an eerie feeling and recall the stories of Polyphemus and Jack the Giant-killer, and with a vividness unknown before produce a deepened conception of the earth in the days of the dinosaur, the ichthyosaurus, the plesiosaurus, the dinotherium, and the pterodactyl, combined with those of the mammoth and mastodon.

Fancy has framed for the world's entertainment many mortal prodigies of violent exploits and moral obliquity. These inventions of ancient poetry and these stories of medieval romance as set forth in the "Amadis de Gaul" and other fabulous narratives of that period, all of them unrestrained by even a particle of probability, ascribe to their characters of evil superhuman power, vicious proclivities, horrid misconduct, and vast physical prowess; but none of these monsters of imaginative might and fiendish practices rivals in massive proportions the unpretentious and harmless colossus of North Carolina's history, who lived the quiet life and died the simple death of a common private man, and whose name but few have ever heard. So passed into the great unknown the hugest of all earth's inhabitants, an actual man whose marvelous proportions recall those in the vague creations of Swift's Brobdingnag.

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The following notes on William Pitt were suggested by Captain S. A. Ashe, of Raleigh, N. C.

#### WILLIAM PITT AND THE AMERICAN COLONIES

Prior to the American Revolution the matter of taxing the American colonies brought forth much discussion in the British Parliament. Many times the colonies found it necessary to place their grievances before Parliament in various petitions, and in a few cases the pressure brought to bear upon the House of Commons produced some results. The following paragraph is taken from John Drayton's *Memoirs of the American Revolution*, Volume I, page 58:



"A new Administration being now established, parliament met early in 1766, under happier auspices: all matters of grievance respecting the American provinces were laid before them. In the course of the discussions which took place thereon, Dr. Franklin<sup>6</sup> was examined at the bar of the House of Commons; whose extensive communications on the state of American affairs, not a little contributed to remove prejudices, and spread information throughout that House. It was on this occasion, that Mr. Pitt came forward, as the advocate of American rights. He condemned the proceedings of the late Ministers, respecting them; and contended, the parliament had no authority for taxing the colonists, except for commercial regulations: and if they could be burthened at parliamentary discretion they would be mere slaves. He admitted, however, that for general government and legislation, parliament had a supreme control over them; but he said it ought so to be administered, that fundamental principles, common to both the parent State and the Colonies, should not be violated. As to returns from America, for protection afforded; he judged the profits of the American trade as sufficiently adequate. And deprecating the prosecution of a system, which ultimately would be pernicious to both countries; he advocated an immediate repeal, of the Stamp-Act."

The following is also taken from Drayton's *Memoirs*, Volume I, page 59:

"When the news of this repeal arrived in the Colonies, a general joy spread over the land; and the Courts in South-Carolina resumed their duties, which had been prevented by the Clerk not issuing process:\* while America, recovering her former tranquillity, took

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"The news of the repeal of the Stamp-Act, arrived in Charlestown, South Carolina, May 6th, 1766.<sup>7</sup>

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no umbrage at the law for securing her dependence on Great Britain; rightly conceiving, it could never be enforced. For, as to cases of general and Sovereign Government, she was willing it should be so; and so far, as the act acknowledged these principles, so far she bowed obedient to its control. In other respects, the Declaratory

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<sup>6</sup> Benjamin Franklin.

<sup>7</sup> See Drayton's *Memoirs*, Vol. I, page 59, footnotes.

Act was viewed with regret, rather than fear; and the joyful news was notified by bonfires, illuminations, ringing of bells, and other demonstrations of joy. In these acts of festivity, Carolina came in for her full share; in addition to which, a statue of Mr. Pitt, in the attitude of haranguing an audience, was procured from England, at the public expense; which, for many years thereafter, adorned the most public place in Charlestown, at the intersection of Broad and Meeting-streets.† Addresses were also transmitted to the

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†The Statue remained at this place, throughout the whole Revolutionary war, unhurt by anything, except by a British cannon ball; which during the siege of Charlestown in 1780, was discharged from a British fort, on James's Island: which ranging across Ashley River and along Meeting-street, carried off Mr. Pitt's right arm, extended as if in the act, of addressing an audience. After the peace, of 1783, carriages for the conveyance of persons and goods, had increased so much in the City of Charleston, as to require the Statue to be removed, from the intersection of the streets, at so public a thoroughfare; and Jacob Mulligan with other persons, were employed to effect the same. This happened, not long after the commencement of the French Revolution. The persons who were engaged in taking down the Statue, were great supporters of French opinions; and consequently, were the declared enemies of Mr. Pitt's son; whose great abilities then guided the energies of the British nation, in war against France. Through a misguided zeal, the enmity they avowed against the Son, was extended even to this representation of his Father. They fixed their ropes around the neck of the Statue, (which was raised on a high pedestal) for the purpose, as they said, of obtaining a purchase, by which they might erect a triangle, by whose assistance the Statue was to be raised from the pedestal; and after having gained this purchase as they called it, and fixed blocks and tackles to a post at some distance at the side of the street, they commenced drawing the ropes with all their force. The event turned out, as was expected; and of which they had been warned, while in the act of applying the power. For, so soon as the triangle was raised a few degrees high, its weight, and the opposing angle it made to the upright position of the Statue, overcame its fixture; and it was prostrated on the ground. By this fall, the head of the Statue was severed from its body; or was guillotined, as they were pleased to term it; and other parts of the body were mutilated: after which, it was removed to the Orphan-House yard, in Charleston; where it has since been erected, as well as its injuries would permit.<sup>8</sup>

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Throne, expressing the public happiness; and commercial intercourse again took place between Great Britain and her American Colonies. This produced however, but a deceitful calm; as parlia-

<sup>8</sup> See Drayton's *Memoirs*, Vol. I, page 60, footnotes.

ment soon after furnished America in general, and Boston in particular, with new causes for other commotions."

Another proof of Pitt's popularity is contained in an article "in the *South Carolina Gazette and Country Journal*, of Charleston, July 22, 1776 . . .:—"There is a handsome medal struck and distributed, about the size of a crown-piece, on which is the head of Mr. Pitt, with his name; and from the reverse, the following inscription: "The man, who, having saved the parent, pleaded with success for her children." It was also added: "A great number of rings, set with the head of Mr. Pitt, is intended to be sent, as presents, to some of the principal merchants in America, by their correspondents in this country." One of these medals was found a few years since in an ancient clearing\* at Cheraw Hill,

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\*It was picked up by a child on the surface of an old field near St. David's Church, and was given to the author.<sup>9</sup>

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[South Carolina] in a good state of preservation. It is a handsome piece of work, the face being well executed, with the inscription, "Gulielmus Pitt;" and on the reverse the words already quoted.'"<sup>10</sup>

"The repeal of the Cider and Stamp Acts, in which Pitt took so prominent a part, produced a general and extraordinary outburst of enthusiasm. 'The Irish,' it was said, in the account already noticed, 'are going to erect his Statue in every City in the Kingdom, as the Man who first saved the Mother, and after that her children, from ruin!' alluding to Great Britain and the colonies. Statues were ordered this year by the Commons House of Assembly of Maryland to the honour of this noble defender of the rights of man. The Assembly of New York also ordered an elegant statue of brass from England. . . .'"<sup>11</sup>

It was then that the above mentioned statue was erected at Charleston. Again quoting from the *History of the Old Cheraws*, page 124: "When [the news of the repeal of the Stamp Act was] received in Charles-town, the enthusiasm of the people knew no bounds. The principal men of the city, unwilling for the precious burden<sup>12</sup> to

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<sup>9</sup> The one here reproduced was loaned to the Hall of History by Mrs. Jonathan Worth Jackson.

<sup>10</sup> *History of the Old Cheraws*, By Alexander Gregg, page 123.

<sup>11</sup> *History of the Old Cheraws*, by Bishop Alexander Gregg, pages 123-124.

<sup>12</sup> The statue.

be borne by other hands, drew it themselves, amid the firing of cannon and other demonstrations of admiring affection, to the spot selected for its erection, the intersection of Broad and Meeting streets."

Pitt was thus honored by the mother country and also by the colonies. North Carolina recognized his service by erecting two counties in his honor. Pitt County was erected from Beaufort in 1760. At that time Pitt was Prime Minister, but was driven from office in 1761. By 1766 he had regained his influence and popularity. His sympathy for the American colonies was still pronounced, and in 1770 another county, Chatham,<sup>13</sup> was erected in North Carolina in his honor. The people of Chatham were not satisfied to have only the county named for him, and in 1778 they named a town Chatham Court House in his honor. However, it was only a few years, in 1785, before an act was passed by the General Assembly appointing nine citizens to lay off a town to be named Pittsborough.<sup>14</sup> In 1787 another act was passed by the General Assembly authorizing the justices of the peace to move all courts to Pittsboro.

The following is the Act:

AN ACT EMPOWERING THE COURT OF CHATHAM COUNTY TO ADJOURN TO THE TOWN OF PITTSBOROUGH IN SAID COUNTY.

Whereas by an Act of the present General Assembly, a town is established in the county of Chatham by the name of Pittsborough, and it hath been represented that by holding the courts of said county at Pittsborough aforesaid, will greatly relieve the people who have business depending in said court, as well as those who are by law obliged to attend all other public meetings:

I. Be it therefore enacted by the General Assembly of the State of North Carolina, and it is hereby enacted by the authority of the same, That the Justices of the said Court of Chatham be, and are hereby authorized and empowered to adjourn to the said town of Pittsborough at any time they shall think proper: to which place all matters and things in the said court depending are hereby declared to stand adjourned agreeable to the adjournment of the said court.

II. And be it further enacted by the authority aforesaid, That all and every act, or part of an act, for holding the courts of said county at any other place, shall from and after the passing of this Act be repealed and made void (passed January 6, 1787.)<sup>15</sup>

<sup>13</sup> Pitt was made Earl of Chatham in 1766.

<sup>14</sup> William Pitt the younger had become Prime Minister in 1783 at the age of 25 years, being the first to convince George III that in political matters the best way to serve England was to lead the people rather than drive them. He was Prime Minister until 1801.

<sup>15</sup> State Records of North Carolina, Vol. 24, page 855.



CALVIN H. WILEY ON THE EVILS OF SLAVERY AND  
THE CAUSES OF THE CIVIL WAR

Greensboro' N. C.

Jany 24th 1865

Dear Sir:<sup>16</sup>

I wish respectfully to offer advice: a rare thing in me unless my opinion is called for. But the condition of the Country & the imperative duty of every Citizen to do all he can to save the state, overrule all consideration founded on more delicacy of feeling.

And I communicate thro' Mrs. Vance, *first* because part of my subject is one in which she is eminently qualified to judge—& *secondly*, I wish my letter to be read when it has no rival claiming your attention but her who is your best Counsellor.

Can the Country be saved? God has permitted its present sad state for its sins; & if we knew the exact or chief cause of his displeasure, we would be on the road to deliverance.

For one I have never doubted as to what is our chief offence—nor do I believe that there has been a doubt in the mind of a large majority of our people, that is, I believe, a large majority secretly concur in sentiment.

Beyond a doubt slavery is at the bottom of our trials. I have never been able to believe or to *feel* that the existence of African Slavery is a sin to those generations *inheriting* the institution; & on the contrary I have thought that if properly managed it might be made a blessing to master & servant. A *class*—small in number, I hope have had wicked & wild purposes, desiring to propogate the institution, to dissolve our Country to open the way for a revival of the African Slave trade, & to bring the world under its influence.

But our people have generally not sympathized with such views: wherein then is their sin? In the *management* of slavery—and herein we are all guilty. It is for the fool to be distressed at the idea that a people but partially civilized, of course tastes, & rude manners, are not permitted to enjoy the freedom & the refinements for which they are not qualified: it is not a loss but a liberty to half savages to be excluded from positions which require long artificial preparation, & which are pleasant or not according to *acquired* tastes.

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<sup>16</sup> Governor Zebulon B. Vance.

But this is a different thing from a violation of the bonds of nature & of the laws of God; & such violations we, as individuals, as Christian associations, & as States, have permitted & countenanced.

The love between mother & child is not an artificial growth from the culture of civilization: it is a bond of nature, universal and sacred. The sanctity of the married state is not an idea of philosophy, or a habit of refinement; it was established "in the beginning," by God himself, & we have the injunction from him that what he has joined together, let not man put asunder. To me, the negro himself may have a very low idea of this state; & if so the greater only the responsibility of the master who has absolute control over him & whose own conscience is fully enlightened.

In short, we have grievously offended in these points *viz*: *first*, in allowing the separation of Mothers & their young children. (And now, when God's judgements are heavy on us there are almost daily auctions, on Fayetteville St., Raleigh where the best & most sacred & tender feelings & instincts of nature are violated. When I was last in the City a Mother & infant were put up separately: "Why not sell both together?" asked the sympathetic crowd. "Because they will not bring so much," was the response. And this in the midst of daily prayer-meetings, & display of piety!) *Secondly*—In permitting individuals to dissolve, at will, the married state. *Thirdly*, In forbidding negroes to be taught to read. *Fourthly*, In degrading the law by putting the authority of the Master above it. The law is or should be supreme over all, God's only vile—govent (politically) on earth; & this is the theory, & even the divinely ordained relations of husband & wife, & of parent & child are subject to its control. Yet the Master is *not* to be subjected to its discipline—& the rigor of his authority not to be interfered with by the restraining power of public opinion. There are other sins lying at the door of individuals & of Churches—but I confine myself to the offences of the whole body politic as such.

I have never doubted that God, in our trials, was calling on us to reform the institution of slavery—& that if we did not he would abolish it, & that in a way greatly to afflict & disgrace us. We are a Christian people, held to a high responsibility. The Church is no where more sound in doctrine—its ministers are free—we all are trained up under scriptural influences, & the word of God has

been & is a philosophical, a political, a moral & a scholastic Text Book. Above all, it is *our* witness, summoned by *us* in defence of slavery; & we are legally as well as morally bound to receive all its testimony on this subject, & to obey its injunctions. We have not done it. Abolition agitation was our former excuse; but we have been to ourselves nearly four years & have done nothing.

With a faith as firm & certain & practical as that in the rising & setting of the sun, I have believed that if, as individuals, Churches, & States we would honestly & earnestly set ourselves to reform slavery, in the light of God's Word, he would bring us deliverance—& I have feared that if we did not, he would destroy or degrade us.

I hope it is not yet too late; & as individuals & Churches are naturally afraid of offending the powers that be, the state ought to move first.

It is not too late, at least, to save the honor of Slave-holding Society—not too late to mitigate the horrors of immediate emancipation, if it is too late to prevent universal abolition.

But to speak as a man, the forbearance of God seems nearly exhausted—& we seem on the eve of a second revolution more awful than that which brought on this war.

God allowed us all to follow the “peaceable secessionists,” the most irrational body of men that ever ruled a state, & to plunge with our eyes open into this fiery vortex; this class of men, raised up to scourge us, & the counter-part of Northern abolitionists, have started another doctrine more monstrous, more absurd, & as completely at war with all experience & history as that which led to our first fall. We will I fear, be allowed to follow them—& this last plunge will be the fearful end of our nationality, of our liberties & of our individual peace & honor. No sane man can fail to see this. Just as no man of sense doubted a cruel civil war as the result of secession.

*And if we do not reform the blow will come.* I have never believed that slavery would be suddenly abolished by an external power: if it is abolished *as a penalty on us the blow will come from within, our own passions will prepare the retribution.* And, as I intimated, the time seems at hand.

It was a dark day when the doctrine of secession was hatched as a grand Catholicism for the South: “peaceable secessionists” will have completed their unrivaled claims to be considered forever as

the greatest madmen of the human race, & the measure of our ruin will be full when our slaves are set free in order to put the men in the army.

If we do not reform we may look for the worst; & the very fact that this is the worst, the most absurd, monstrous & suicided policy that we can adopt, makes me look for it. No external power can do any thing for us so cruel & degrading, so universally & lastingly ruinous to us; & with opinions formed on this subject from universal history, & from my own knowledge of man, the opposite conclusions of others have little weight with me. General Lee is a great soldier & a good man; but while I do not pretend to criticize his military movements, I feel that I have as good opportunities of forming opinions from the ethnological history of men as he has.

The least acquaintance with human nature & with history would teach us—1st. That a subject or dependent race incorporated into the armies of those who have held them in subjection, & ultimately constituting the chief military strength, not only do not lose but cherish their national distinction, prejudices & animosity. 2nd. These dependent races *do* always become in the end, the chief source of supply to the army, because the better classes will not serve with them in the ranks, & because when a people once get in the habit of thus recruiting their armies, they lose their own martial character & hardihood. 3. A large standing army of half savages, who, in their best estate, are licentious & brutal as a class, when once demoralized by camp life, made daring by battles, & become conscious of power from numbers, discipline & arms in their hands, would be infinitely more terrible to the civilized people employing them than to the enemy. They could only reach the *soldiers* of the latter—but think of their conduct at home where robbery, murder, rape & every other crime to which they would be so prone, would be so easy! The other day some S. Carolina soldiers took a poor old weaken loafer who lived near Greensboro', & for some loose silver change in his pockets, piled him into a log heap & burned him alive! (authentic)—& this is but one of ten thousand acts more infamous and atrocious that we might constantly expect from negro soldiers. 4. The negroes, in our country, & the meanest class of white people, would constitute a majority; & it would be impossible in such a community to have freedom, even if there were no ambi-



tious scoundrels to take advantage of this state of Society. But where the carcass is there will the eagles be gathered together; & we would have the most inviting elements for despotism it is possible to conceive of.

The Chief of State would be an absolute, military autocrat, most cheerfully supported by subordinate leaders interested in his domination, & by a vast & brutal soldiery bound to him by the Common sympathy of hatred for the intermediate classes, once the masters of the country & hence dreaded by its tyrant & hated by his minions who were once socially & politically degraded. Such is the state of things in parts of South America, where Indians & half breeds take the place our negroes & their white associates would assume; but our masters would be more cruel & licentious than those of the most wretched Countries referred to. Any thing like liberty would be impossible for many generations—for there would not be a tolerable Government until the best & ruling mass of savage life infused into the body politic was fully Civilized & made a sober, self-respecting, christian people. We would be in the condition of the Roman world when buried for centuries under an avalanche of savages: & let it be remembered that those savages sprang from the bosom of the empire, & learned, in the armies of their masters, to despise & conquer them.

If we put the negro even in the army we will be compelled to free their families & give the race political equality; & there is nothing any earthly power can do for us worse than this. All history & common sense teach the result as clearly as they taught the result of secession; & besides, as the putting of the negro in the army would be a crowning injustice to them we might expect the race to become thereby our masters, as a moral retribution. And this awful catastrophe, the utter extinction of our national character, by our own hands, in shame, & a long furnace of afflictions, seem near at hand: from what I have already seen of the madness of a class of leaders—I am prepared to look for it.

Has God sealed us up in infatuation, given us up to believe a lie, that we may be destroyed? I hope not: & *Governor Vance*, I look to you! Our Governors generally are not above the common level: he of Virginia is *extra* small was ever a dirty demagogue, & would be a fit leader of the fearful red, or black republicans whom I look

for. N. Carolina is a great state: her Governor occupies a deservedly high position in the nation and the world.

Why not take the initiative? Why not take steps looking to a thorough reform of our slave code, & also to gradual emancipation? (Emancipation is *now* inevitable & we only have a choice between immediate abolition & the conscription of the men, & of emancipation after the war, & in a way to keep up our relative superiority of race) What is in the way? Our pride? It will be infinitely more humiliating to employ the negro as our soldier, & to make him our master, than to do him Justice, & to still maintain a social and political superiority. Besides: I only ask what the law of God requires, & shall we be ashamed to honor God? Is not that the road to honor, to honor & obey Jehovah? Instead of being a humiliation it would be an act of true moral heroism, & one needed to set off our deeds of physical courage—I Solemnly believe it is our only road to independence—and that if not immediately pursued we will be subjugated, & in a way more cruel & shameful than could be affected by any foreign power. Think on these things. God rules: he & he only placed you in power. Why not consult leading & christian statesmen on this matter, at once? Depend on it, here is our stumbling stone: from this matter will come our deliverance, or our everlasting overthrow.

There is no truer patriot on earth than yourself—no braver statesman ever held the helm in storm.

But I want you to look at our position a little more thro' the medium of divine truth; nor would I have you do any thing that I would not ask of my best friend. Allow me to say to you, once for all, that I cannot make public displays of religious interests over my friends; but from the day of your first inauguration until now I have prayed for you twice a day in petitions that God alone has heard. Let this suffice: you will see, or ought see, that you have no better friend on earth.

I want you to do only what you have a right to expect to be rewarded for—or rather, only what will add to your own lasting satisfaction. I would not precipitate you on an absurd course: I *know* what I suggest is based on eternal truth, & that it is of practical, immediate & infinite concern to our devoted & beloved land.

Slaves owners will not be refractory: a vast number are & have been thinking on these very things. Besides: no man is fit for freedom, who would not instantly give up his slaves as an *interest* merely, to save the Country.

Let us now in this day of our nation's agony, make a solemn sacrifice of our pride, rise to the dignity of our position, & do an act of Justice long demanded by Heaven to our faithful slaves, & throw ourselves on God's protection!

With the kindest regard,

Your friend,

C. H. WILEY.<sup>17</sup>

Hon. Z. B. Vance.

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<sup>17</sup> Z. B. Vance, *Papers*, Volume VI.

## BOOK REVIEWS

THE GENESIS OF THE CONSTITUTION OF THE UNITED STATES OF AMERICA: By Breckinridge Long (New York: The MacMillan Company, \$2.50)

The author, who was Assistant Secretary of State during Wilson's administration, attempts to trace the evolution of our Constitution from the earliest governmental document in America, the Plymouth Covenant of 1620, and includes in his study all of the early Constitutions and written systems of government in this country down to the Constitutional Convention of 1787, including the various plans for union which were under discussion as early as 1643.

The author makes a fair distinction between democratic government, provided in the Pilgrim's Constitution of 1620, and representative government, provided in the charter to the Virginia Company. In this discussion he emphasizes the difference between a Constitution and a charter. Both present good studies in local self-government. But it is a serious question, not yet fully answered, as to whether the Federal Constitution of 1789 was derived more from the original Constitutions of New England, than from forms of representative governments that were worked out later in New England and in other sections of America.

Speaking of New England Constitutions, and especially the Pilgrims Constitution, he says: "But in its original state and as a document, sovereignty, as regarded local conditions, was vested in the people, in the colonists, and vested there by their own act. And it is from the seed as thus originally sown that the great protecting tree of our Federal Constitution has grown."

Later, in discussing representative government in the South, derived from the Crown Charters, he says that we can discard with a casual remark on their history their influence on the formation of our Constitution, and "That the colonies thus gradually established and divided, so existed until the Declaration of Independence in 1776, destitute of democratic government—except such as was wafted by the Northern winds over their borders—bereft of origina-tive possibility and deprived of privileges which the other colonies demanded as rights." Thus he dismisses the three Southernmost



governmental Constitutions from further consideration. In other words, our Federal Constitution is traceable in a direct line to the early New England Constitutions! All other forms of government, worked out by groups of people in other colonies may be discarded. There is a suggestion that something might have come from the middle colonies. So much for the first eight chapters.

However, when the author begins to discuss plans for union, much credit is given the State of Pennsylvania, and especially Benjamin Franklin. He discusses the struggle between the New England Colonists and the Crown, the Southern Colonists and the Crown, and the Middle Colonists and the Crown, and he shows very well how they all passed to representative forms of government, all of which are somewhat similar, and all of which were in almost constant revolt against the Mother Country.

The question that has never been given full consideration is this: Is representative government that was evolved from a New England Constitution any better than representative government evolved from a Crown Charter? Would the people of a representative government of the former class be more determined to resist unjust laws, as they call them, than citizens of the other class? It is apparent from history that patriotism and the determination to secure liberty were not confined to any section of the country.

The best treatment in the book is a study of State Constitutions and the evolution of the legislative, executive and judicial branches, the qualifications for voting, and for holding office. The author's treatment of the evolution of the Constitution from these State Constitutions is clear and illuminating. But he does not prove that the Southernmost Colonists were "destitute of democratic government, except such as was wafted by the northern winds over their borders," nor does he dismiss "the three Southernmost Governmental Constitutions" from further consideration, nor does he prove that the Federal Constitution is a growth from "the seed as thus originally sown" by the Pilgrim Fathers.

E. C. BROOKS.

NEW ENGLAND IN THE REPUBLIC, 1776-1850. By James Truslow Adams. (Boston: Little, Brown & Company. 1926. Pp. xiv, 438. \$5.00)

This work completes Mr. Adams's three-volume history of New England as a distinct section in American history. The *Founding of New England* (1921), hailed as the "best short history of early New England that has appeared for a generation" and awarded the Pulitzer Prize (1921) for the best history of the year, dealt with the exploration, settlement, and life of the New England colonies from the beginning until 1691. The second volume, *Revolutionary New England, 1691-1776* (1923), covered a period not so well worked and, being drawn to a considerable extent from a mass of unused documentary sources, threw new light upon the social and economic background of the Revolution.

*New England in the Republic, 1776-1850*, completes the story, "for from that mid-point of the century the current of nationalism swept the New States with the swift movement of what had by then become a genuinely national life."

Mr. Adams, unidentified with New England by ancestry, residence or sentimentality, and trained in the methods of modern scholarship, has brought to his task a precision, mental detachment, and balanced judgment in the use of facts which have produced the best narrative and interpretation of New England history. At times, by what is said and still more by what is unsaid, the author clearly reveals his sympathy for the oppressed mass of common men and his condemnation of the dominant Puritan or shipping or manufacturing oppressors, thereby making of his works an antidote, timely even if perhaps a bit too strong now and then, to the traditional, sacrosanct position held by the dominant aristocracy of New England. "The main theme of the book may be considered to be the continued struggle of the common man to realize the doctrines of the Revolution in the life of the community." That theme runs through the work like a scarlet thread. With impressive arrays of evidence driven home by occasional flashing bits of irony, he strips of their pretensions the ecclesiastical, shipping or manufacturing interests, smugly dominant and privileged, and reveals them as reactionaries and enemies of the common man in his struggle "for a greater

share in the good things of life, whether . . . for the suffrage, higher wages, shorter hours of labor, better education, social recognition, or what not."

In its balance and perspective Mr. Adams's work is a fine example of sectional history. The temptation is always strong to overload state or sectional history with material belonging primarily to national history. This Mr. Adams has scrupulously avoided, even to the extent of laying himself liable now and then as in the Jefferson and Jackson periods, to the charge of leaning backwards by withholding national history which would have clarified his treatment of New England history. However, on the whole, he has steered his course with great skill. We should welcome a sectional history of the South as scholarly, accurate, and frank in treatment, vivacious in style and balanced in perspective. History should reveal all sides of the past as it was, with its shadows as well as its lights. Mr. Adams has presented many blunt, though significant, facts which some professional New Englanders may resent. He confesses that, in his reaction against the old point of view, he "may have been tempted to stress the shadows rather than the lights." Even so, his work is real history to an extent seldom attained in local historiography.

In the first three chapters, the author discusses the life of the people during the Revolution and the great but characteristic changes wrought by the war in the financial, commercial, industrial, intellectual and moral life of the people. The selfishness, greed, and sordidness of those who enriched themselves by preying on public and private necessity in war time is presented as a vital though seldom described side of the war. The structure of the new state governments is briefly traced, showing in general that the rights of property triumphed over the revolutionary philosophy of the rights of man. Particularly valuable is the vivid account of the causes of the growing unrest which culminated in Shay's Rebellion in Massachusetts in 1786. Frontier Vermont, with its manhood suffrage, handled the delicate post-war situation better than did Massachusetts with its restricted suffrage and its ruling hierarchy of the rich and well-born, where armed rebellion occurred.

After the adoption of the Constitution and during the period of commercial and industrial prosperity, due to a considerable extent

to the new Oriental trade and the European war, the Federalists enjoyed a long period of predominance. The Federalist party was reactionary in politics, representative of the commercial and financial interests, and consecrated to the maintenance of property rights, the Congregational Church, and the aristocratic concept of government. It fought the rise of Jeffersonian democracy in vain; and when the Republican administration pursued policies which culminated in the purchase and admission of Louisiana, the Embargo, and finally the War of 1812 against England, New England Federalism developed a rabid sectionalism that came near to disunion and treason. In this connection, it is interesting to note that Mr. Adams, unlike Professor Channing, holds that the New England outburst of opposition to the Embargo was very largely economic rather than political in its cause. The author traces the career and final collapse of the party following the Hartford Convention.

During and after the War of 1812, New England underwent an economic revolution whose effect gradually wrought a change in every phase of her life. Manufacturing superseded shipping as the chief economic interest, and the capitalist class achieved dominance in political, social, and religious life. When the United States government was committed to a protective tariff policy after the War of 1812, which enriched the growing capitalist class, rabid sectionalism and disunionism in New England gave place to rampant unionism and nationalism. Foreign immigration, factory regulations, social problems incident to the rise of cities, organized labor, deplorable educational facilities (quite at variance with the traditional excellence of the New England school system,) shocking conditions among the poor and sick and insane—a veritable Pandora's box of problems, intruded upon the capitalists, happy in the enjoyment of their twenty to forty per cent dividends and their position of dominance in New England life. Most convincing and happy is Mr. Adams in setting forth these conditions and in tracing the gradual rise of humanitarianism which forced the stubborn ruling class to make a beginning at reform.

In the final chapter, "The Black Cloud," the author eulogizes the abolitionists in their crusade for the emancipation of the negro slaves. In his opinion, the solid white population of the South and the best elements in the North, all of whom frowned on the slavery



agitation, were as blameworthy opposed to the cause of human rights as were the New England capitalists in oppressing their factory workers. Perhaps this attitude is natural for one apparently lacking in intimate knowledge of ante-bellum Southern conditions and with the chosen theme of tracing the struggle of the common man; but still there is reason to expect a historian of Mr. Adams's scholarship to take into account the negro aspect of the slave and to recognize the practical difference between correcting the evils of a labor system of native, white, fairly intelligent factory workers and one of negroes with radical racial, social and intellectual differences from their masters. One may admit the courage, self-sacrifice, good intentions and noble ideals of the abolitionists without admitting their balance, wisdom or statesmanship. To intimate that the war was inevitable and then reason backwards that Abolitionists and Fire-eaters were benefactors in hastening the coming of the inevitable is an excellent way to gloss over what may be the mistakes and failures of former generations, but it is not scientific or historical.

The copious footnotes show abundant use of monographs, newspapers, and pamphlets. There is an excellent index. The thoroughness and accuracy of the work combined with its lively style make it admirable for scholar and general reader alike. Mr. Adams's is the most satisfactory work on the history of New England, as well as an excellent example of sectional history.

A. R. NEWSOME.

RALEIGH, N. C.

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AARON BURR. By Samuel H. Wandell and Meade Minnigerode. (New York and London. G. P. Putnam's Sons. 1925. 2 vols, Pp. xxxiv, 324; 354. \$10).

For many years Mr. Wandell has assiduously collected material for a life of Burr and these two large volumes bear witness to the tirelessness of his industry and the thoroughness of his search. Every available source apparently has been consulted, every nook and cranny being examined in the process, and the book fairly bristles with details which make of the subject a very real and human figure. That much has certainly been accomplished. Aaron Burr, "man-of-the-world, student, madman, schemer, diplomat, leader"

walks through its pages very much alive; and it must be added to the credit of the authors, possessed of every wart to which he is justly entitled.

For they have not sought to portray Burr as a hero, nor even as a very great man. Nor have they pictured him as a villain. One would gather that the authors do not believe in heroes, and so much time, effort, and ingenuity are spent in depicting Jefferson and Hamilton as villains of the deepest dye, that any portrayal of Burr as one would be an anti-climax of the worst sort.

It is a pity that American writers continue to be juvenile in this respect, but there is little indication of any tendency toward maturity of attitude. When General Grant said that he did not think very highly of Lee as a general, he was behaving like the small boy who has emerged victorious from the fight of his young life and instead of proclaiming his worsted antagonist as a worthy foe of any one, affects to despise his prowess and proclaim him "easy." So when Messrs. Wandell and Minnegerode set about the blackening of Hamilton and Jefferson for the apparent purpose of whitening Burr they are following very long established, if not good, precedents, best exemplified by the Hamilton school of writers in their treatment of Jefferson, and reaching a climax, perhaps, in Beveridge's Marshall. But it is poor method nevertheless, and it reaches absurdity when it is used to fix upon Jefferson the responsibility for the death of Hamilton. Nor are the authors convincing in respect to Jefferson's responsibility for Burr's downfall. They have painted the picture of Burr too completely for their readers to accept their blame of Jefferson. Surely he cannot be held accountable for the moral defects and the mental instability of Burr. They were inherent in the man.

One looks eagerly here for a final clearing up of the mystery of Burr's intentions in 1806, but there still remains the doubt of what he really had in mind. But more clearly than ever before are we shown the utter confusion of his plans, the instability of the man, and his complete unfitness to lead in any great movement of conquest.

The authors are at their best in the portrayal of persons. The accounts of events—such as the trial of Burr, for example—are impressionistic and unreal. One seems to feel a striving for effect

rather than the passion of an artist for fixing finally the truth. In this connection I cannot refrain from mentioning one habit of the authors, or, to be exact, one of them, which, however forgivable in an occasional *Saturday Evening Post* article becomes deadly wearisome in a two-volume book. It is of ending divisions of the chapters with apparently incomplete sentences in order to leave the impression that more lies behind than the writer has said. The last sentence in the book is a good example: "Tormented spirit, sitting alone in a chamber filled with echoes, the door of which had swung quite open. . . ." It is "snappy" writing, perhaps, but when 128 of the divisions, including the last paragraphs of each volume, finish that way, it has become as meaningless, as mechanical, and as boring as used to be the snapping of Theodore Roosevelt's ubiquitous teeth.

But with all the defects of the book it is a valuable and interesting contribution. It is also the intensely pathetic record of a striking figure of American history—a man who had more than a touch of genius, a good deal of the heroic, a wealth of charm, and a full share of intellect, but who, lacking character, was his own worst enemy.

J. G. DE ROULHAC HAMILTON.

UNIVERSITY OF NORTH CAROLINA.

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JEFFERSON AND HAMILTON, THE STRUGGLE FOR DEMOCRACY IN AMERICA. BY CLAUDE G. BOWERS. (Boston and New York. Houghton Mifflin Company. 1925. Pp. viii, 531. \$5.00)

No reader of *The Party Battles of the Jackson Period* could expect from Mr. Bowers any work that lacked keen analysis of men and movements, based upon very thorough investigation, and brilliancy of portrayal and style, but the most enthusiastic admirer of the former book will find it dimmed by the luster of this latest venture of the author into historical writing. For *Jefferson and Hamilton* is not merely a book; it is an event, both in historiography and in history. It sets a new standard in historical writing in vividness of treatment and in interest, and it marks a new attitude towards both men. It will, itself, exert a powerful influence in the development of this newer point of view. It is already apparent that it is one of the most influential books that has recently appeared.

Mr. Bowers is rather clearly Jeffersonian in sympathy. To the Jefferson-haters he will seem partisan, but to those who know the real Jefferson, rather than the Federalist "Raw-head and Bloody-bones" who has been handed down through a century and a quarter he will not seem so. They will welcome a friendly and understanding interpretation of a great leader, and not less will they welcome a study of Hamilton that is not the manifestation of bitter partisanship, or, at best, sheer and unquestioning hero-worship. How unusual is the author's treatment is well illustrated by a recent expression to me of a worshiper of Hamilton and a hater of Jefferson who had just finished the book. His opinion of Jefferson, he said, was little if any modified by what he had read, but he declared that his conception of Hamilton had been totally wrecked by the first unbiased study of the man he had ever seen.

The full length portraits of the two great leaders have not been surpassed in accuracy, clearness of conception, and brilliancy of execution, and they dominate the book. But Mr. Bowers has not neglected portraying also the host of lesser men who then, as always, played so great a part in the making of political history. They appear in sketch, in silhouette, in miniature, but each so complete as to live to the reader. So striking indeed are the portraits of the book that the reader is apt at first to think that herein lies its chief distinction. But presently he discovers that events are portrayed quite as vividly. A little later he discovers that movements are analyzed and described in no less masterly a fashion.

Newspaper writing has been fine training for the author, but this is not journalism in any accepted sense of the word. It is brilliant historical writing based upon the most sincere and tireless investigation. So brilliant is it, indeed, that it will excite the suspicion and hostility of that school of historical scholars who apparently believe implicitly that dullness is the *sine qua non* of sound historical scholarship. But after all that is of little moment.

Sincere praise of the work does not mean complete acceptance of it all. I cannot divest myself of the feeling that Mr. Bowers has failed to "catch" John Adams, to appreciate fully the qualities which made him, in spite of his vanities and trivialities, a great



man. And so with some other characters of lesser note. But after all, we shall always differ about people and it is just as well that we do.

The value of the book does not lie in the discovery of new material or facts hitherto unknown. It lies in its employment of a greater amount of material than has been used by any one else for the period, in the keenness of its analysis, and in the vigor and clarity of presentation. It is significant, too, in its realization that the contest of Jefferson and Hamilton was in reality a struggle for the determination of the future character of the United States. That it finally ended in victory for the Jeffersonian idea does not lessen the importance of the contribution made by his great opponent, and Mr. Bowers does not fail to show this.

It is a great book, an absorbingly interesting book, one of the sort that cannot be laid down until it has been read. And one does not need to be a prophet, nor yet the son of a prophet, to predict confidently that it will live.

J. G. DE ROULHAC HAMILTON.

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#### BOOKS RECEIVED

*History of the deGraffenried Family.* 1191 A.D. to 1925. By Thomas P. deGraffenried. (Binghamton and New York: The Vail-Ballou Press. 1925. Pp. 282. \$10.00.)

*The Life and Papers of Frederick Bates.* Edited by Thomas Maitland Marshall. Two volumes. (St. Louis: Missouri Historical Society. 1926. Pp. ix, 346; 343.)

*The Best Letters of Thomas Jefferson.* By J. G. deR. Hamilton. (Boston and New York: Houghton Mifflin Company. 1926. Pp. xv, 300. \$2.00)

*Our Times. The United States, 1900-1925.* Vol. I, *The Turn of the Century.* By Mark Sullivan. (New York and London: Charles Scribner's Sons. 1926. Pp. xviii, 610. \$5.00)

*The Naval History of the World War. The United States in the War, 1917-18.* By Thomas G. Frothingham. (Cambridge: Harvard University Press. 1926. Pp. x, 310. \$3.75.)

*The United States and Mexico, 1821-1924.* By J. Fred Rippy. (New York: Alfred A. Knopf. 1926. Pp. xi, 401)

*Augustin Cochin, 1823-1872. Ses Lettres et sa Vie. Avec une Introduction et des Notes.* Par Henry Cochin. Deux volumes. (Paris: Librairie Bloud & Gay. 1926. Pp. 371, 398.)

*A History of the United States since the Civil War.* Vol. III. By E. P. Oberholtzer. (New York: Macmillan. 1926).

*Jefferson.* By Albert Jay Nock. (New York: Harcourt, Brace & Company. 1926. \$2.75.)

*The Civil War and Readjustment in Kentucky.* By E. M. Coulter (Chapel Hill: University of North Carolina Press. 1926)

*Slaveholding in North Carolina: An Economic View.* By Rosser Howard Taylor. [The James Sprunt Historical Publications, Vol. 18, Nos. 1-2] (Chapel Hill: University of North Carolina Press. 1926. Pp. 103.)

## HISTORICAL NEWS

The North Carolina Historical Commission receives many requests for early numbers of the *North Carolina Manual*, *Proceedings of the State Literary and Historical Association*, *The North Carolina Booklet*, and the *North Carolina Day Program*. These publications are out of print. Any one possessing duplicates of any of these publications is requested to send them to A. R. Newsome, Secretary of the North Carolina Historical Commission, Raleigh, N. C. The supply thus accumulated will be used to serve the cause of North Carolina history by filling gaps in the collections of libraries and students.

Back numbers of the *North Carolina Historical Review* may be secured from the Secretary of the North Carolina Historical Commission, at the regular price of \$2.00 per volume or 50c per number.

Professor B. B. Kendrick, of the history department of North Carolina College for Women, taught in the summer School of Citizenship and Public Affairs, Syracuse University.

Professor R. S. Shyrock, of Duke University, gave courses in the summer school of Syracuse University.

Professor C. P. Higby, of the department of history of the University of North Carolina, taught in the University of West Virginia Summer School.

Professor William K. Boyd, of Duke University, spent the summer in Washington, D. C., pursuing investigations at the Library of Congress.

Professor W. T. Laprade, of Duke University, lectured in the summer session of the University of Pennsylvania. Professor Laprade is absent on leave for the academic year, which he is spending in England.

Mr. V. H. Clark, of Columbia University, and Prof. Hugh T. Lefler, of the State College of Agriculture and Engineering, were members of the Summer School history faculty at North Carolina College for Women.

Professor E. M. Carroll, Duke University, was engaged in research in Berlin during the summer. Professor Carroll is the author of "French Public Opinion on War with Prussia in 1870," which appeared in the July number of the *American Historical Review*.

Dr. F. C. Anscombe, who has been Instructor in History at the University of North Carolina, has assumed his new work as Professor of History at Salem College. Prof. and Mrs. Anscombe were in California during the summer.

Mr. E. Cleveland Hollar, of West Tennessee State Teachers College, Memphis, has joined the department of history of East Carolina Teachers College, replacing Mr. A. D. Frank, now on a year's leave of absence.

The following appointments and promotions have been made in the history departments of North Carolina institutions for the year 1926-27:

University of North Carolina: Edward J. Woodhouse, of Randolph-Macon, Virginia, Chicago, Yale, formerly of the faculty of Smith College—Acting Professor of Municipal and Local Government; Associate Professor F. P. Graham—Professor of History; H. T. Shanks, of Wake Forest and Chicago University—Instructor; C. C. Crittenden, of Wake Forest and Yale University—Instructor; James A. Padgett, of Maryville College in the University of Oklahoma—Instructor.

North Carolina College for Women: Miss Zella Annis Proffer, of Missouri State Teachers' College and Columbia University—Instructor in European History; Miss Elizabeth Crane, of Smith College, Chicago and Columbia Universities—Instructor in European History.

Duke University: Professor J. F. Rippy of Chicago—Professor of History and Associate Editor of the *Hispanic American Historical Review*; Assistant Professor Paul N. Garber—Professor and Head of the Department of Church History; Dr. Ernest W. Nelson of Cornell—Assistant Professor of History.



Among its accessions during 1925, the Division of Manuscripts of the Library of Congress reports the following material relating to North Carolina: Transcripts of commissions and instructions to various governors, 1663-1673, from originals in the Public Records Office. 234 pages; letter of Thomas Burke to Richard Caswell, 1778, April 25.

Besides additions to various private collections and further material from the archives in Spain and the British Public Records Office, the chief accessions to the collections of the North Carolina Historical Commission during 1926 are: Photostats of scattering issues of the *North Carolina Gazette*, 1751-1793; five boxes of Civil War material; the Samuel A'Court Ashe collection of 774 letters and papers; eighteen volumes of Person County Records—wills, inventories and sales of estates, and taxables; 150 Franklin County wills and 570 inventories and sales of estates; 131 numbers of the *New England Historical and Genealogical Register*; and original reports of North Carolina chapters of the Daughters of the American Revolution and correspondence pertaining to World War Relief Work, presented by Mrs. Theodore S. Morrison, of Asheville, N. C., State Regent during the war period.

The Duke University Press announces the following volumes: F. B. Simkins, *The Tillman Movement in South Carolina*; L. M. Sears, *Jefferson and the Embargo*; I. S. Harrell, *Loyalism in Virginia*.

The North Carolina Bay in the Cloister of the Colonies at Valley Forge, Pa., was formally opened on June 17. Governor A. W. McLean delivered the dedicatory address. The Cloister is part of a memorial to Washington and his troops, which has been erected under the auspices of the Episcopal Church. Mrs. S. Westray Battle, of Asheville, conducted the campaign for the erection of the North Carolina Bay.

The annual celebration of Virginia Dare Day, the anniversary of the birth of the first English child in America, was held at Manteo on August 18 as the principal event of a home-coming week for

Roanoke Island and Dare County. Sir Esme Howard, British Ambassador to the United States, was the principal speaker. Ex-Governor Cameron Morrison, and many other public men were among the visitors.

The D. H. Hill Library, at the State College of Agriculture and Engineering, was formally dedicated June 7. The building was presented to the College by Hon. R. N. Page and accepted by President E. C. Brooks. The dedicatory and literary addresses were made by O. Max Gardner, President of the Board of Trustees, and Dr. Edwin Mims, of Vanderbilt University, respectively. This Library memorializes the late D. H. Hill, who was at various times President of the State College of Agriculture and Engineering, Secretary of the North Carolina Historical Commission, and author of works of a historical nature.

The new Animal Husbandry building, Polk Hall, was dedicated on July 28, at the State College of Agriculture and Engineering. This building memorializes Colonel Leonidas LaFayette Polk (1837-1892), a native of Anson County and a prominent agricultural leader in North Carolina. He was a member of the State Constitutional Convention of 1865, active in the Patrons of Husbandry or the State Grange in the 1870's, the first Commissioner of Agriculture, 1877-80, founder of the *Progressive Farmer* in 1886, first Secretary of the North Carolina Farmers' Alliance, and Vice President in 1887 and President in 1889 of the National Alliance. Colonel Polk was one of those to whose influence the State College of Agriculture and Engineering (formerly the North Carolina College of Agriculture and Mechanic Arts) owes its founding in 1887.

The North Carolina Bureau at the Sesqui-Centennial International Exposition, Philadelphia, opened August 1, under the direction of Major Wade H. Phillips of the Department of Conservation and Development. The North Carolina exhibit, open from August 1 to December 1, consists of historical documents, photographs, maps, and literature dealing with the growth of the State. The North Carolina Bureau is the result of the cooperative endeavor of the departments of Agriculture, Conservation and Development, Educa-

tion, Public Health, Highway Commission, and Historical Commission. The exhibit is under the immediate charge of the contributing departments.

Assistant Secretary of War Hanford MacNider formally accepted the 30-acre tract of Moore's Creek Bridge battleground as a gift to the Federal government, to be converted into a national military park, at the sesqui-centennial celebration held on the battleground on August 24. General A. J. Bowley, commanding officer of Fort Bragg, Representative C. L. Abernethy and Senator Lee S. Overman, who sponsored the bill in Congress providing for the conversion of the land into a national park, Mrs. Alfred J. Brosseau, president general of the National Society of the Daughters of the American Revolution, and Mrs. Edwin C. Gregory, State Regent of the D. A. R., were among those participating in the exercises. The battle of Moore's Creek Bridge, February 27, 1776, sometimes called "the Lexington and Concord" of the South, perhaps saved North Carolina from conquest, and gave a great impetus to the spirit of independence.

The Endowment Fund Bulletin of the American Historical Association reports the following accomplishments through July 15: An individual gift of \$10,000 for campaign expenses; an appropriation of \$25,000 by the Carnegie Corporation to be used as a revolving publication fund, country-wide publicity and editorial endorsements in over fifty papers; a subscription of over \$5,000 by the faculty and graduate students at Columbia University; subscriptions of over \$10,000 in Indiana; and the complete or partial organization of committees in seventeen states and thirteen metropolitan districts. The National Women's Committee and a New York Women's Committee are in process of organization. The Council of the Association has directed that contributors of \$1,000 to the fund shall be designated as Patrons; of \$5,000, as Donors; and of \$10,000, as Benefactors. Contributors of \$100 are regularly enrolled as life members of the Association.

# INDEX TO VOLUME III

1926

## A

- Abbott, 139.  
 Abernethy, C. L., 664.  
 Abolitionists, 654.  
*Abraham Lincoln, The Prairie Years*, 392.  
 Academies, 50.  
 Accomac County, records of, 529.  
 Acts of Assembly, 328, 344.  
 Acts passed by Virginia, 1879, 23.  
 Act of Union, 592.  
 Adams, 39, 42, 45, 46, 49, 187; appointment of, 138.  
 Adams, Charles Francis, 521; Henry, 521; Herbert B., 521; James Truslow, 651; John, 138, 657.  
*Adams's Geography or A Description of the World in Three Parts*, 36.  
 African slave trade, 389, 642.  
 Age of Louis XIV, 180; of Napoleon, 180; of Pericles, 180.  
 Agricultural Exports, 570; progress, 571.  
 Aitchison, Clyde B., 394.  
 Alabama, 8, 153, 195, 447, 452, 453, 454, 455.  
 Alabama, Department Archives and History, 55; students from, 364.  
 Alamance, battle of, 68, 477, 491, 497, 498; board of education of, 422; county case, 425; county schools of, 422.  
 Albemarle, 18, 19; Assembly, 543; colonists, 18; Albemarle County, 21, 120, 122; reports from, 587; Duke of, 311; Grand Deed to, 542; section, 16, 17, 20, 22, 25, 29, 31, 32, 584; settlement, 548.  
 Albertson's, Miss Catherine, in *Ancient Albemarle*, 550.  
 Alderman, Edwin A., 152.  
 Alexander, Governor, 138; Rev. Joseph, 317.  
 Amendment, of 1722, 29; Thirteenth, 4.  
 America, 42, 43, 45, 101, 304, 307, 370, 388, 596; officers in, 604; continent of, 605; first English child born in, 662; migrations to, 599.  
 American Colonies, 389, 568, 612, 639, 641; Embassy, 136; government, 187; history, 4; Historical Association, 521, 523, 525, 664; Historical Review, 55, 133, 521, 661; life, 390; loyalists, 579; News Company, 395; Provinces, 638; Revolution, 523, 537, 575, 637; System, 188, 190, 192; Writers, 655.  
 Amherst County, Lexington Parish Vestry Book, 536.  
*An Address to the People of Granville County*, 53.  
 An Intimate Biography, 139.  
 Anderson, Mrs. John Huske, 160, 162, 396; Miss Sallie Archer, 537.  
 Andrews, Alexander B., 160; Sidney, 156.  
*Andrew Jackson's Campaign against the British*, 392.  
 Anglo-Saxon, 10.  
 Ancombe, F. C., 661.  
 Anson, inhabitants of, 373; County, 243, 339, 614, 663.  
 Antigua, 439, 440, 441, 442; government of, 442.  
 Appomattox, 14.  
 Argyllshire, 592.  
 Aristides, 501.  
 Aristotle, 166.  
 Arkansas, 447, 449, 450, 452; Students from, 364, 365.  
 Armstrong, Col., 373.  
 Arnold, Benedict, Mrs., 144, 146.  
 Arredondo's report, 516.  
 Ash, John, 260.  
 Ashe, Captain, 133, 134, 135; Captain S. A. 637; Samuel A'Court, 132; William S., of New Hanover County, 207; County of, 455.  
 Asheville, Academy at, 50; efforts to convert school funds, 418; suit against, 419.  
 Ashley, Wm. E., letter from, 368.  
 Assembly, 28, 120, 121, 122, 123, 124, 125; acts of, 328, 344; Colonial, 54;



- General, 33, 34, 126, 160, 348, 357, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 421, 422, 423, 425, 430, 431, 432, 433, 434, 435, 436, 437, 438, 529, 531, 550, 582, 634, 635, 641; General, Statutes enacted by, 400; North Carolina, 29; Provincial, 580; Virginia, 207; of New York, 640.
- Association of Virginia Merchants, 589.
- Athill, Samuel, 440, 442, 444.
- Atkinson, William, 538.
- Atlanta, 222.
- Atticus, 492, 501.
- Augustin Cochin*, 1823-1872. *Ses Lettres et sa vie, avec une Introduction et des notes*, 659.
- Aurelius, Marcus, 181.
- Austria-Hungary, 136.
- Avant, James M., 506.
- Averasboro battlefield, 520.
- Aycock, Charles Brantley, 152.
- Aydlett, T. P., 367.
- A Fan for Fanning and a Touchstone for Tyron etc.*, 69, 320, 326, 331, 337, 343, 348, 353, 358.
- A History of Agriculture in Europe and America*, 154.
- A History of England from the Defeat of the Armada to the Death of Elizabeth*, 392.
- A Political and Social History of the United States*, 4.
- B**
- Bahama Isles, 615.
- Baker, Henry, 27, 121.
- Balaam, 298, 299, 300, 301, 304.
- Baltimore and Ohio Railroad, 210.
- Bancroft, 179; George, 521; H. H., his memoirs, 170.
- Bank of St. George*, 175.
- Barbados, exploring commission from, 540.
- Barbadoes, 622.
- Barclay's Anarchy of the Ranters, 302.
- Barckley's Apology*, 104.
- Barker, County of, 455.
- Barksdale, S., 409.
- Barksdale case, 410, 411, 412, 413, 414, 421, 426.
- Barksdale v. Commissioners, 414.
- Barlow, Samuel L. M., 175.
- Barnes, Professor, 166, 178; Professor Harry E., his indictment against the "Old History," 165.
- Barney, Mr. and Mrs. Edward E., 538.
- Bass signed protest, 204.
- Bassett, John Spencer, 133, 506.
- Bassett's, J. S., monograph, 549.
- Bath, 28, 31; county of, 572.
- Battle, Mrs. S. Westray, 159, 662.
- Battle, of Alamance, 68, 477, 491, 497, 498; at Cross Creek, 575; of Talussahatchie, 514.
- Bayard, James A., 522.
- Beasley, James E., letter to, 366, 367.
- Beaufort, County, 38; captured by privateers, 127; part of, 625; ship building at, 48.
- Belgium, 149.
- Bell, William, 19.
- Bennett House affair, 384.
- Bennett House Memorial, 385.
- Benton, Samuel, 54; Thomas Hart, 55; his offices, 62.
- Berkley, Lord, 311.
- Bernheim's German Settlers in the Carolinas, 516.
- Bernstoff, 136.
- Bertie precinct, 30.
- Bessie Tift College, 520.
- Bethlehem, 517; Moravian school at, 50.
- Beveridge, ex-Senator, 141.
- Beveridge's Marshall, 655.
- Bibliography of Colonial Virginia, 535.
- Bill of Rights, 429.
- Biographical History of North Carolina from Colonial Times to the Present*, 133.
- Biographical History of North Carolina*, 135.
- Bladen County, 69, 412; inhabitants of, 373.
- Blaine, James G., Mrs., 144, 146.
- Blair, 21, 24, 27; Rev. John, 16.
- Bloodworth, Timothy, 584.
- Blount, County of, 455; John Gray, 629; William, 138, 587.
- Blue, Malcolm, 369; Neill, 369.
- Board of Education of Vance County v. Town of Henderson, 419.

- Board of Trade, 17, 122, 476, 542, 544, 548, 577.
- Bolling Hall's battery, 455.
- Bolton, Herbert E., 515.
- Bonner, Henry, 121.
- Book of *Jonah*, 111.
- Books Reviewed, 658.
- Borah, Senator, 388.
- Boston, 129, 307, 388; *Gazette*, 308; men in, attempted high taxes, 238.
- Bossuet, 179.
- Boswell, Martha, 159.
- Botts, John Minor, appointed commissioner, 212.
- Boudé, John, 121.
- Bowers, Claude G., 656.
- Bowley, General A. J., 664.
- Boyd, William K., 52, 154, 223, 383, 457, 591, 660.
- Bradford, Colonel John, 382; Dr. Edward, 510; Gamaliel, 144, 151; Governor William, 382; William, 69.
- Bragg, 514.
- Branch, John, 382, 510.
- Braswell, William, 29.
- Breckenridge, S. P., 152.
- Breckenridge, Madeline McDowell, 152.
- Brevard, Caroline Mays, 510; Theodore Washington, 510.
- Brickell, Dr., 545, 564.
- Bridgen, Edwards, 585.
- British, Ambassador to United States, 663; Constitution, 54; Government, 135; government, policy of, 591; Isles, 580; Parliament, 637; Parliament, act of, 567; troops in North Carolina, 584.
- Brooks, E. C., 650, 663.
- Brosseau, Mrs. Alfred J., 664.
- Brown, Governor, 510; Justice, 428; Judge, 414, 424; A. J., 447; Judge George H., 412; J. E., 514; James, 29; John Carter, 69; C. K., article by, 198.
- Brownlow, 454.
- Brunswick, 245, 253; captured by privateers, 127; council chamber, 246; declined paying taxes, 229; governor at, 305; settlement of, 548; County, 317, 549; County, St. Andrews Parish Vestry Book, 536; Port of, 126, 571.
- Bryant, Capt. Geo. P., mortally wounded, 365; Thos., 121.
- Buchanan, 179; James, 512.
- Buck, Solon J., 521.
- Buckle, Henry Thomas, 167.
- Bull Durham, 384.
- Buncombe County, 50, 419.
- Burgwyn, John, 475, 476.
- Burke, Governor, 579, 587; Thomas, letter to, 662.
- Burmudas, 622.
- Burr, Aaron, 654; Theodosia, 144, 146.
- Burrington, George, 119, 577; Governor, 120, 546, 569, 570, 572; instructions sent to, 542; ordered land office reopened, 544; report of, 544.
- Buttler, 257; William, 255.
- Butler, Mrs. Benjamin F., 144, 146; Gen. 374; John, 265; William, 261, 267, 352, 356; trial of, 250.
- Byrd, William, 577; William II, 551.

C

- Cabarrus, County of, 44.
- Cabell, Mrs. James Branch, 534.
- Caithness, a farm in, 593.
- Caldwell, Dr. Silas M., 506.
- Calendars of Collections*, 395.
- Calhoun, 187, 194; John C., 152, 522; County of, 455.
- California, history of, 170; students from, 364.
- Camden, port of, 633.
- Camp Chronicle, 161.
- Camp Gordon, 520.
- Campaigne, Robt., 121.
- Carneades, 173.
- Carnegie Corporation, 664.
- Carnegie Institute, 160.
- Carolina land, quality of, 544.
- Carolina, land in, 611; planters, 550; quitrents in, 541, 543.
- Cape Fear, 126, 128, 129, 556, 622.
- Cape Fear Bank, stock in, 367; Bank of Salisbury branch, 138.
- Cape Fear region, 591; lands in, 544.
- Cape Fear rice and indigo culture, 557.
- Cape of Florida, 622.
- Cape Hatteras, 625, 626.
- Carey, Matthew, 186.
- Carlyle, 180.

- Carr, Elias, letter to, 363; Titus W., 365.
- Carroll, E. Malcom, 154, 661.
- Carey, ex-Governor, 31.
- Catawba, county of, 455.
- Catawbee Tribe of Indians, 354.
- Catholic College, 393.
- Carteret, Sir George, 312.
- Carteret County, 38.
- Castellow, James, 121.
- Caswell, Richard, 576; letter from, 662.
- Caswell County, 50, 54; academies in, 50.
- Channing, 378, 399.
- Channing, Professor, 653; Edward, 377.
- Chapel Hill, 49, 51, 364, 365.
- Characteristics of Southerners, 10.
- Charles the Second, 311.
- Charles City County, records of, 529.
- Charleston, 371, 372, 373.
- Charleston, (S. C.) *Courier*, 161.
- Charleston *Mercury*, 189, 193.
- Charleston, trade to, 46.
- Charlestown, 126, 128, 129, 130, 131; City of, 639.
- Charlestown, seige of, 639.
- Charlotte and Danville Railroad Company, 198.
- Charlotte, school term of, 412.
- Chase, Solomon P., 522.
- Chatham, 199; Court House, 641; County, 641.
- Chattanooga, defeats around, 454.
- Chauncey, Charles, 439.
- Cheraw, 199.
- Cherokee Boundary, 494.
- Cherokee County, 455.
- Cherokee Indians, treaties with, 138.
- Cheshire, John, 27.
- Cheyney, Edward P., 392.
- Chicago, University of, 519.
- Chicamawga tribe, 371.
- Chickasaw Indians, treaties with, 138.
- Chief towns of North Carolina in 1810, 37.
- Child, Thomas, 282.
- Chilton of Alabama, 204.
- China, 101.
- Chowan County, 21, 476; Council of Defense, 393.
- Chowan Precinct, 21.
- Church of England, 75, 293, 317.
- Cider and Stamp Acts, repeal of, 640.
- City Gazette* of Charleston, 189.
- Civil War, 155, 162, 384, 385, 511; causes of, 642; in United States, 193.
- Claiborne, Ferdinand L., 514.
- Clanton's brigade, 455.
- Claradon, Earl of, 311.
- Clark, Judge, 420, 424.
- Clark, Judge Walter, 413; V. H., 661.
- Clarke, Judge, 405; Judge William J., 404.
- Clay, 187, 188.
- Clemens, Jeremiah, 447, 454.
- Clemson College, 518.
- Clonts, F. W., 16.
- Cobb, Howell, 514.
- Cochin, Henry, 659.
- Codner, Capt. James, 125.
- Coffey, Jonathan, 363.
- Collection of laws, 327.
- Colleton, Sir William, 312.
- Collie Case, 414, 422, 425, 428, 435.
- Collie v. Commissioners, 412, 416.
- Colonies, American, 389, 568, 641, 639, 612.
- Colonial Assembly, 54.
- Colonial Dames of America, 531.
- Colonial North Carolina, agricultural conditions in, 540.
- Colonial Records, 475.
- Colonial Soldiers of Virginia, 534.
- Colorado, 396.
- Columbia, 190; Cooper's speech at, 188; *South Carolinian*, 200; *Tele-scope*, 189, 193; University, 3, 159, 521, 661, 664.
- Commerce of New York, 191.
- Commercial and industrial enterprises developed in South, 14.
- Commons, House of Assembly of Maryland, 640.
- Commission for the Relief of Belgium, 150.
- Committee on Internal Improvements, 199.
- Committee on Military Affairs, 202.
- Conecuh, County of, 455.
- Confederacy, 5, 8, 446, 449, 450, 451, 454, 456, 509, 510, 514; collapse of, 378; essays on, 162; President Davis of, 211; president of, 206, 209; Southern Women of, 395.
- Confederate, armies, 449; armed forces, 9; bonds, 209.

- Confederate Government, 203, 204, 207, 211, 212; property of, 212.  
 Confederate leaders, 514.  
 Confederate Memorial Literary Society, 537.  
 Confederate Memorial Institute, 537.  
 Confederate States, 202, 206; constitution of, 204.  
 Confederate veterans, sons of, 537.  
 Congress, 5; United States, 512; Unionists elected to, 452; Library of, 70, 308, 506, 522, 660, 662; Provisional, 202.  
 Congressional Record, 514.  
 Connecticut, 312.  
 Connor, Judge H. G., 420.  
 Connor, R. D. W., 132, 137, 152, 153, 379, 457.  
*Consolidation*, 185, 187, 195.  
 Constitution, 428, 429, 430, 431, 433, 434, 435, 437, 438; adoption of, 652; British, 54; of Confederate States, 204; Federal, 650; of 1789, Federal, 649; of 1620, 649; of 1868, 404, 405, 415; of 1868, provisions of, 411; evolution of, 649; of North Carolina, 399; State, 399; of Turkey, 191; the nature of, 332; of United States, 191.  
 Constitutions, New England, 650.  
 Constitutional provisions for school support, 401.  
 Constitutional Convention of 1787, 649.  
 Convention of 1861, 205.  
 Cooke, John Esten, 12.  
 Coolidge, Calvin, 387.  
 Coon, Charles L., 36, 386, 399.  
 Cooper, 186, 187, 189, 190, 191, 193, 194.  
 Cooper, Lord Anthony Ashley, 311; Thomas, in state rights movement, 184.  
 Coor, James, 587.  
 Coosa, County of, 455.  
 Coosa County, Alabama, 448.  
 Corbin, Colonel, 282.  
 Corbin, Francis, 53.  
 Corbitt, D. L., 119, 363, 395, 477, 520, 622.  
 Cornell, Samuel, 480, 587; property of, 583.  
 Cornell University, 175.  
 Cornwallis, 583.  
 Cornwallis, Lord, 577.  
 Costner, Ambrose, 199.  
 Coulter, E. M., 659.  
 Council Chamber, letter from, 248.  
 Council, petition in, for redress of grievances, 244.  
 Council of State, proceedings of, 534.  
 Counties of North Carolina in 1810, 37.  
 County of Barker, 455.  
     of Bath, 572.  
     Beaufort, 48.  
     Bladen, 69, 412.  
     of Blount, 455.  
     Buncombe, 419.  
     Brunswick, 50, 317, 549.  
     of Cabarrus, 44.  
     of Calhoun, 455.  
     Carteret, 48.  
     Caswell, 50, 54.  
     of Catawba, 455.  
     Chatham, 641.  
     Cherokee, 455.  
     Chowan, 21, 476.  
     of Conecuh, 455.  
     of Coosa, 448, 455.  
     Craven, 403.  
     Cumberland, 317, 614.  
     Dare, 663.  
     Dobbs, 478.  
     Duplin, 36, 40.  
     Edgecombe, 49.  
     Fayette, 452, 506, 507.  
     of Fayette, 455.  
     Granville, 228, 317.  
     Guilford, 50, 416.  
     Hale, 455.  
     Halifax, 50.  
     Harnett, 520.  
     Henderson, 636.  
     of Henry, 455.  
     Iredell, 363.  
     Lenoir, 50.  
     of Marion, 452, 455.  
     Nash, 50.  
     Northampton, 54.  
 Orange, 49, 51, 69, 226, 229, 232, 234, 242, 243, 253, 261, 312, 313, 317, 318, 320, 326, 329, 334, 339, 457, 458, 496.  
 Orange Civil Court in, 328.  
 Orange, regulation in, 310.  
 Orange, representative of, 322.  
 Pasquotank, 476.



- Pasquotank, people in, 633.  
 Perquimans, 50, 458, 476, 634, 635.  
 Perquimans, people in, 633.  
 of Pike, 455.  
 Pitt, 49, 641.  
 of Randolph, 68, 452, 455.  
 Rockingham, 427.  
 Rowan, 40, 68, 198, 457, 576.  
 Stokes, 48.  
 Surry, Justices of, 584.  
 of Talladega, 455.  
 Tyrrell, 476.  
 of Walker, 455.  
 Warren, 50.  
 Wayne, 433, 434.  
 of Winston, 452, 455.  
 of Yadkin, 455.  
 Yalabusha, 506, 507.  
 York, 529.  
 County, property sold in, 589; taxes, 234, 245, 247, 248, 329, 341.  
 Court of St. James, 136.  
 Cowles, Mrs. Ida Holden, 386.  
 Cox's, Isaac Joslin, 511.  
 Craft used for local transportation, 17.  
 Craig, Major, 576.  
 Craven, Lord, 311.  
 Craven County, 403.  
 Craven, commissioners in, 583.  
 Crawford, 187; signed protest, 204.  
 Creedmore, school at, 423.  
 Creek War, 514.  
 Cross Creek, 577; battle at, 575; situated, 610.  
 Crown Charters, 649.  
 Crown Charter, 650.  
 Crown of England, 311.  
 Crozier, William A., 537.  
 Culloden, battle of, 591.  
 Culpeper County, St. Mark's Parish Register, 536.  
 Cumberland County, 317, 614.  
 Cumberland declined paying taxes, 229.  
 Cumberland County Court Minute Docket, 369.  
 Cumberland, inhabitants of, 373.  
 Cummings, 36.  
 Cummings, William, 634, 635.  
 Currie, signed protest, 204.  
*Curier*, 189.  
 Currituck, Commissioners in, 583; Precinct, 25.  
 Curtis, Senator, 388.  
*Cyclopedia of American Biography*, 636.
- D
- Dallas School District, 417.  
*Dante's Conception of Justice*, 392.  
 Danville, 198.  
 Danville connection, 200, 201, 202, 205.  
 Darden, Miles, 636, 637.  
 Dare County, 663.  
 Dartmouth, Lord, 575.  
 Daughters of the American Revolution, 161, 664.  
 Daughters of the War of 1812, 537.  
 Dawson, John, 121.  
 D. H. Hill Library, dedication of, 663.  
 Davie, Governor, 138; William R., 585.  
 Davis, Arthur Kyle, 537; James, state printer, 161; Jackson, 152; Jefferson, 379; letter to, 364; Mrs. Jefferson, 144, 146; President, 378; President Jefferson, 202; Executive Mansion of, 537.  
 Davis, Nicholas, 447; Oscar King, 139.  
 Davis's, T. Frederick, 511; William Watson, 511.  
 Dean, Horace, 454.  
 Declaratory Act, 638.  
 Declaration of Independence, 185, 585, 649; Mecklenburg, 135.  
 Deep River, meeting near, 231.  
 De Graffenried, 21; Thomas, P., 658.  
 Delaware, weevil in, 559.  
 Descendants of the Signers of the Declaration of Independence, 537.  
 Dew, Thomas R., 185.  
 Dewar, A. E., Story by, 395.  
 Dewey, John, Professor, 182.  
 Diack, Alexander, 583.  
 Diamond Shoal, 626.  
 Dickson, Harris, 147.  
 Dismal Swamp, 20, 30, 42.  
 Dobbin, James Cochran, 395.  
 Dobbs, Arthur, 56, 578; Governor, 53, 476, 551, 558, 568, 571.  
 Dobbs's letter, Governor, 560.  
 Dobbs County, 478.  
 Dorothea Payne Madison Chapter of the Daughters of 1812, 532; President of, 534.  
 Drayton's, John, 637.

Drayton's *Memoirs*, 638.  
 Duckinfield, Sir Nathaniel, 539.  
 Duke of Albemarle, 311.  
 Duke University, 223, 392, 457, 519,  
 591, 660; Library 161; Press, 395;  
 Press announcements, 662.  
 Dupey, Captain, 128.  
 Duplin County, 36, 40.  
 Durant's Neck, 560.  
 Durham, evolution of, 384; amend-  
 ment to school act, 417; establish  
 graded schools, 416; school term of,  
 412.

E

Earl of Claradon, 311.  
 Earl Granville, 53, 54.  
 Earl of Granville District, 281.  
 Early Drama in North Carolina, 160.  
 East Indies, flour exported to, 572.  
 East Lothian, 593.  
 East Tennessee System, 200.  
 Eaton, John H., 510.  
 Echols, Brigadier General, 455.  
 Economic and Social conditions of  
 North Carolina Farmers, 6.  
 Economic and Social conditions of  
 Southern population, 6.  
 Edenton, 32, 48, 53, 121, 126, 127,  
 505; academy at, 50; establish  
 graded school, 416; Port of, 633.  
 Edes and Gill's paper, 479.  
 Edgecombe County, 49; Roster, 161.  
 Edinburgh, 595.  
 Edmund Wilkes & Brother, contract  
 to build road, 209.  
 Edwards, 244, 341.  
 Edwards, Martin, 264.  
 Edwards & Broughton Co., 363.  
 Egyptian taskmasters, 605.  
 Eliot, Samuel, 442.  
 Eller, A. H., 392.  
 Ellis, John W., 198.  
 Elizabeth City, County records of,  
 529.  
 Embargo, 653.  
 Enfield riot, 53.  
 England, 21, 184, 282, 513; Crown of,  
 311; church of, 75, 293, 317; first  
 potatoes, 560.  
 English law, 582.  
 English Mercantile system, 568.  
 English settlements, 516.  
 English—Spanish controversey, 516.

Ennis of Sandside, 593.  
 Eppes, Mrs. John Wayles, 383; Mrs.  
 Nicholas Ware, 380.  
 Erwin, John, 269.  
 Essex County, records of, 529, 530.  
 Europe, 14; people of, 374.  
 European War, 653.  
 Everard, Richard, 119.  
 Everett, Edward, 375.  
 Exum, Benjamin, 587.

F

Fannian College, 318.  
 Fanning, 317, 322.  
 Fanning, Col. 231, 232, 233, 241, 313,  
 323, 324, 338, 339, 340, 350, 502; be-  
 havior, 244; David, 579; Edmond,  
 236, 331, 589; Col. Edmond, 356.  
 Fanning's House, Colonel, fired guns  
 at, 239.  
 Faning, 257; Colonel, 248, 255, 261;  
 letter to, 254; Edmond, 265, 266.  
*Fan for Fanning*, 70, 307, 308.  
 "Fan for Fanning and a Touchstone  
 for Tryon," 307, 314.  
 Farmers' Alliance, North Carolina,  
 663.  
*Farm Life Abroad*, 395.  
 Fauquier County, A history of, 537.  
 Fauquier Historical Society, 537.  
 Fayette, County of, 452, 455, 506, 507.  
 Fayetteville, 45, 48, 49; academy at,  
 50, 51; establish graded schools,  
 416; school term of, 412.  
 Fayetteville St., auction sales on, 643.  
 Federal Constitution of 1789, 649.  
 Federal Constitution, 650.  
 Federal Government, 214.  
 Federalist movement, 390.  
 Federalist party, 653.  
 Ferrell, Mrs. Chiles T., 537.  
 Fetter, Lieut. F. A., 365.  
 Fueter, 181.  
 Few, James, 497.  
 Fidelity Bank of Durham, 427.  
 Field, Colonel, 131.  
*Finley, Samuel*, 112.  
 Fireeaters, 654.  
 Fitzpatrick, John C., 375.  
 "Fixins," 7.  
 Fleming, Barnes, 121.  
 Fletcher, Captain, 373.

- Florida, 7, 382; carpet-bagger days in, 380; history of, 510; Historical Society, 395; State Historical Society, 383, 396, 511; students from, 364.
- Ford, Worthington C., 308, 439.
- Foreman signed protest, 204.
- Fort Johnston, 610. --
- Macon, 158.
- Mims, 514.
- Sumter, 156.
- Foster, 18.
- Founding of New England*, 651.
- Fox, George, 551.
- France, 149, 150; American negro soldiers in, 380.
- Frank, A. D., 661.
- Franklin, Governor, 138; Benjamin, 69, 650; W. Neil, 539.
- Franklin County, 412.
- Frederick County, Frederick Parish Vestry Book, 535.
- French and Indian War, 476, 564.
- French revolution, 446, 639.
- Fries, Miss Adelaide L., 161, 516.
- Frothingham, Thomas G., 658.
- Fuchs, Emil, 159, 395.
- Furches, Judge, 419.
- G
- Gallatin, Albert, 138.
- Gamball, Adam, 18.
- Gamble's Hill, 538.
- Gardner, O. Max, 663.
- Garner, Professor, 168.
- Gay, George, 149.
- General Assembly, 33, 34, 126, 160, 348, 357, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 421, 422, 423, 425, 430, 431, 432, 433, 434, 435, 436, 437, 438, 529, 531, 550, 582, 634, 635, 641.
- General Assembly, of North Carolina, 49; of Virginia, Register of, 535; statutes enacted by, 400; regulating gauge of railroads, 216.
- General Court (Assembly) of Massachusetts, 436.
- General Grant, 655.
- Genet, 190.
- Georgia, 7, 8, 42, 43, 47, 153, 195, 222, 282, 447, 452, 510; army in, 379; boundary disputes, 138; commissioners for, 138; Colony of, 517; Spanish campaign against, 516; students from, 364, 365.
- George, James, 127; the third, 59, 60.
- Germain Lord, 576.
- Germanic Alliance, 136.
- Germany, 137, 149.
- Gerrard, Rev. Henry, 25.
- Gettysburg, 14, 365.
- Giddings, Professor, 172, 394.
- Gilbert, Allen H., 392.
- Giles, F. T., 213.
- Gilmer, J. A., 157, 158.
- Glasgow, University of, 311.
- Gloucester County, Abingdon Parish Register, 532, 535.
- Goldsboro, amendment to school act, 417; establish graded schools, 416; graded school, 433; graded school district, 435; school term of, 412; Township supporting schools, 434.
- Gooch, Professor, his work, 171.
- Goochland County, St. James Northam Parish Vestry Book, 536.
- Goodrich, 36.
- Gordon, Rev. William, 25.
- Gorgas, General Josiah, 378.
- Gorrell, Ralph, 207.
- Governor's House, 235.
- Governor, letter of, 246.
- Gracie's brigade, 455.
- Grady, Henry, 153.
- Graham, Edward Kidder, 152.
- Graham, Major, 374.
- Grand—Deed, 122.
- Grand Deed to Albemarle, 542.
- Grand Jury, protest of, 119.
- Grant Deed, 120, 121.
- Grant, General, 655.
- Grant's Army, 446.
- Granville County, 52, 54, 57, 58, 67, 228, 317; case, 429; court of, 52, 55; board of education of, 423; a serious address to the inhabitants of, 314; militia, 374.
- Granville and Halifax counties, 226.
- Granville District, 52.
- Granville Hall, 458.
- Granville heirs, 585.
- Granville high schools, 425.
- Granville, Lord, agent for, 578.
- Granville paper, 316.
- Gras, N. S. B., 154.
- Gray, Francis, 159.

Great Britain, 123, 137, 193, 281, 581, 638, 639; kingdom of, 60.  
Great War, 149.  
Greene, General, 130.  
Greene's, Gen., appearance, 374.  
Green, routed by Royal Army, 131.  
Green, Paul, 159.  
Greenough, David S., 439.  
Greenough, David, 440.  
Greenough, Thomas, 439.  
Greensboro, 198, 222; city of, 436; graded schools, taxes to support, 418; school term of, 412; and Danville Railroad Company, charter, 199.  
Greenville, 49.  
Gregory, Mrs. Edwin C., 664.  
Grove, William Barry, 138.  
Guilford County, 50, 416.  
Guilford, Greene at, 131.  
Gunter, ex-Governor Julius C., 396.  
Guthrie, 37, 40, 41, 43, 46, 47, 49.  
Guthrie's text, 37.  
Guthrie's *A New Geographical, Historical, and Commercial Grammar and the Present State of the Several Kingdoms of the World*, 36.

H

Hadley, Captain Thomas, 128.  
Hadley, H. S., ex-Governor, 180.  
Hale, County of, 455.  
Halifax, 48, 49; convention, 458; county, Antrim Parish Vestry Book, 535; Resolution, 394.  
Hall, Newberry F., 199.  
Hamilton, 655.  
Hamilton, Archibald, 587; Archibald & Company, 587; *J. G. deRoulhac*, 149, 388, 391, 656, 658; McNeil, 587.  
Hamlen, John, 370.  
Hammond, James H., 185, 197.  
Hampton, Wade, 517.  
Hanover County, St. Paul's Parish Vestry Book, 536.  
Harnett County, 520.  
Harper, William, 185.  
Harrell, Isaac S., 575.  
Harris, Joel Chandler, 152; Julia Collier, 152; Robert, 52; of Mississippi, 203; pay levies to, 249; Tyree, 334, 247, 329, 346.

Harrisse, Henry, 175.  
Hart, Thomas, 255.  
Hartford Convention, 653.  
Harvard, 4, 139; University, 520.  
Harvey, President of Danville Road, 208.  
Hawkins, Governor, 138.  
Haw River, 236, 238, 243, 339; inhabitants, 331.  
Hawkins and Gough, work of, 391.  
Hay, Thomas Robson, 514.  
Hayne, 187, 191, 192.  
Haywood, Marshall DeLancey, 160, 519.  
Haywood, John, 138; William H., 138.  
Helper, Hinton R., 4.  
Henderson, Archibald, 160, 377; Professor Archibald, 33; Richard, 264, 266.  
Henderson County, 636.  
Henderson, efforts to convert school funds, 418.  
Henning, Capt. Thomas, 129.  
Henrico County, records of, 530, 533.  
Henry, George, 265; County of, 455.  
Herndon, 145.  
"Heroes of America," 452, 453, 454, 455.  
Hewes, Joseph 575.  
Higby, C. P., 151, 660.  
Higginson, Stephen, 522.  
Highlanders, 576, 577, 614.  
Highlands back in agriculture, 603.  
Highlands, cows in, 615.  
Hill, D. H., 520; William G., 519.  
Hilliard's Legion, 455.  
Hillsboro, 385.  
Hillsborough, 48, 49, 244, 245, 247, 254, 346, 356, 360, 372, 457; Congress, 458; Militia from, 374; Superior Court, 495.  
Hillsborough, 247, 261, 341, 352; Court, 278; Court at, 264, 266; District, 264, 266.  
Hinds, Col. Thomas, 515.  
*Hispanic American Review*, 395.  
*Hispanic American Historical Review*, 519.  
History of California, 170.  
History of Florida, 510.  
History of Jacksonville, Florida, and vicinity, 511.  
History of New England, 651, 652.



- History of North Carolina*, 50, 132, 133, 135, 368, 396.  
 Historian of North Carolina, 132.  
 History of the United States, 377, 380.  
*History of the deGraffenried Family*, 658.  
*History and Historians in the Nineteenth Century*, 171, 172.  
*History of the Old Cheroaws*, 640.  
 Historian, preparation of a scientific, 172.  
 Historical Department of the United Daughters of the Confederacy, 394.  
 Hirst, Francis W., 392.  
 Hoar, George F., 521.  
 Hogan, Thomas, 360.  
 Hogen, John, 255.  
 Hogg, James, 593.  
 Hoke, Justice, 422, 424, 427.  
 Hoke, Judge, 429.  
 Holden, Joseph W., 386; W. W., 454.  
 Holden of North Carolina, 212.  
 Holland, 21.  
 Hollar, E. Cleveland, 661.  
 Holmes, Lieut. Gen., 364; William, 265.  
 Hood, 514.  
 Hook, James William, 392.  
 Hooper, George, 585; William, 585.  
 Hoover, Herbert, 150.  
 Horne, Robert, description of Cape Fear, 540.  
 House, Robert B., 160; R. B., 159, 393, 519, 520.  
 House of Assembly, 347.  
 Houses of Assembly, petition to, 333.  
 House of Burgesses, 125; proceedings of, 534.  
 House of Commons, 121, 582, 637, 638; of North Carolina, 198.  
 Houston, Sam, 447.  
 Howard, George, 156.  
 Howard, Sir Esme, 663; Martin, 266.  
 Howell, 254, 339, 304, 514, 348.  
 Howland, Capt. Nathaniel, 129.  
 Hughes, 143.  
 Hughes, Hatcher, 159; Rupert, 376.  
 Hunter, 243, 245, 253, 254, 339, 341, 348; James, 252; Joseph, 355.  
 Hunter, letter delivered by, 249.  
 Huntington, 36.  
 Hunton, Eppa, president, 537.  
 Hus, John, 517.  
 Husband, 259, 260; Hermon, 54, 55, 68, 255, 260, 261, 265, 267, 357, 490, 491; charges against, 356; house of, 360.  
 Husband, Hermon, his religion, 69; a regulator, 69; first settlement in North Carolina, 69; pamphlets, 69; trial of, 250.  
 Husband's, Hermon, 307, 352; *Impartial Relation*, 223.  
 Hutchinson, Francis, 311.  
 Hyde, Governor, 21, 24, 31.  
 Hyslop, William, 439.
- I
- Impartial Relation*, 70, 307.  
*Impartial Relation of the First Rise and Cause of the Recent Differences in Public Affairs in the Province of North Carolina; and of the past Tumults and Riots lately happened in that Province, etc.*, 69.  
 Impending crisis, 4.  
 Independence, Declaration of, 185, 585.  
 Independence, Mecklenburg Declaration, 135.  
 Indians, Catawbee Tribe of, 354.  
 Introduction to the Study of History, 176.  
 Iowa, students from, 364.  
 Iredell, James, 138, 575, 585.  
 Iredell County, 363.  
 Isle of Wright County, Newport Parish Vestry Book, 536.  
 Israel, 299.  
 Italy, 607.  
 Ithaca (N. Y.) *Journal*, 161.
- J
- Jackson, 187, 190.  
 Jackson, General, 515; election of, 193; etching of, 395.  
 Jackson's inauguration, 194.  
 Jacksonian Epoch, 180.  
 Jacob foretelling the character of Issachar, 285.  
 Jamaica, 129, 607.  
*James Hook and Virginia Eller*, 392.  
 Jamestown, founding of, 388.  
 Jamison, Robert, 447.  
 Jefferson, 376, 655.

*Jefferson*, 659.  
 Jefferson, Thomas, 138, 383.  
 Jefferson, appointment of, 138.  
 Jefferson idea of disunion, 194.  
*Jefferson and Hamilton*, 656.  
 Jeffries, Judge, 500.  
 Jersies, families from, 312.  
 Johnson, Andrew, 179, 213.  
 Johnson, H. V., 447; Gerald W., 152; Samuel, 591.  
 Johnston, Capt. Geo. B., 365; Gabriel, 119, 121, 578; Proclamations of, 119; Governor Gabriel, 591; Joseph E., 379; Samuel, 575, 584, 585.  
 Johnston's, Speech, Governor, 121.  
*John Shidell*, 154.  
 John A. Andrew, Post G. A. R., 155.  
 John Carter Brown Library, 223.  
*Joel Lane, Pioneer and Patriot*, 160.  
 Jones, Allen, 585; Robert, Jr., 54, 55; Attorney General of North Carolina, 52, 53; Stephen, 269; Willie, 582, 585, 587.  
*Journal of Social forces*, 152.  
 "Judge William Gaston of North Carolina," 1788-1844, 394.  
 Julian, Peter, 252, 355.

K

Kames, Lord, 594.  
 Kearney, Thos., 121.  
 Kendrick, Benjamin, 3; B. B., 660.  
 Kennerley, Mitchell, 512.  
 Kentucky, 153; students from, 364.  
 Kepler, 167.  
 Kerr, John, 157.  
 Kimberly, Prof., 367.  
 King Charles, 515.  
 King Charles the 2d, charter of, 124.  
 King George the Second, 55.  
 King George the Third, 338.  
 King, justice to, 124.  
 King George County, St. Paul's Register, 536.  
 King and Queen County, Vestry Book of Stratton, 532.  
 King, General, 500.  
 Kitchener, 136.  
 Knapp, Seaman A., 152, 153.  
 Knap of Reeds, school at, 423.  
 Knauss, James Owen, 512.  
 Knight, Tobias, 19, 29.  
 Koch, Frederick H., 159.

Koons, Jeremiah, letter from, 370.  
 Krout, John Allen, 388.

L

Lacy case, 429.  
 Land Grants, 543.  
 Land Routes to Virginia, 28.  
 Landis, Capt. A., 364.  
 Langlois, 170, 176, 178.  
 Lambert, Daniel, 636, 637.  
 Lancaster County, Christ Church Parish Vestry Book, 535; Christ Church Register, 532.  
 Lane, Judge, 452, 454; James S., 404.  
*Lane v. Stanly*, 405, 406, 407, 408, 420, 430, 431, 433, 434, 437.  
 Laprade, W. T., 660.  
 Law, letter delivered by, 249.  
*Law and Morals*, 394, 395.  
*Law Tales for Laymen and Wayside Tales from Carolina*, 159.  
 Lea, 250; Henry C., 521; John, 248, 265.  
 Leach, J. M., 156.  
 League of Nations, 388.  
 Leaksville, terminus of road near, 200.  
 Lee, 353; etching of, 395; General, 645; General Robert E., 536; Sidney, 636.  
 Lee's army, 379; surrender, 211, 212.  
 Lefler, Hugh T., 661.  
 Legislative Bodies, 281.  
 Legislative Body, 251, 269, 275, 352, 354; of the Government, 241; petitioning, 229; petition to, 249.  
 Legislature, 425.  
 Leonidas, 478, 480, 481, 482, 483, 484, 486, 488, 490.  
 Lenoir County, 50.  
 Lenoir, establish graded schools, 416.  
 Leeward Islands, 607.  
 Lewis, D. P., 447; William Draper, 139.  
 Lewis XIV, reign of, 602.  
 Library of Congress, 70, 308, 506, 522, 660, 662.  
 Life of Bishop Spangenberg, 516.  
*Life and Letters of Thomas Jefferson*, 392.  
*Life and Letters of Walter Hines Page*, 136.  
 Lillington, George, 557.  
 Lincoln, 137, 145, 146, 157, 447.

- Lincoln, Mrs., 144, 145.  
 Linville Falls, 40.  
 Lisbon, 607.  
 Literary Fund, 401, 425; Literary Fund revived, 421.  
 Liverpool, ship belonging to, 594.  
 Lloyd, 322, 323.  
 Locke's Fundamental Constitutions, 543.  
 Locke's idea of truth, 172.  
 London, 122, 136, 150, 288; commissioners in, 580.  
 Long, Breckenridge, 392, 649.  
 Longstreet, Augustus Baldwin, 152.  
 Lord, Anthony Ashley Cooper, 311.  
     Berkley, 311.  
     Cornwallis, 130, 131.  
     Craven, 311.  
     Dartmouth, 575.  
     Germain, 576.  
     Granville, agent for, 578.  
 Lords, Justice, Clerks and Pitfour, 594.  
 Lords of Parliament, 229; in Parliament, 320; Proprietors, 17, 29, 119, 121, 122, 123, 124, 125, 541, 543, 578; of North Carolina, 549; of Trade, 545, 546.  
 Lossing, Benson J., 375.  
 Louisburg, academies, 50.  
 Louisa County, Fredericksville Parish Vestry Book, 535.  
 Louisiana, admission of, 653; students from, 364.  
 Loudoun County, Shelbourne Parish Vestry Book, 536.  
 Lowe, John, 350.  
 Lowes, John, trial of, 248.  
 Lowther, Thomas, 121.  
 Loyd, 230; Thomas, 255, 260.  
 Loyalists, American, 579.  
 Loyalists Commission, 579, 580, 589, 590.  
 Loyola, Ignatius, his book, 174.  
 Lumberton, academy at, 50; establish graded schools, 416.  
 Lunenburg County, Cumberland Parish Vestry Book, 535.  
*Luther's Works, Martin*, 98.  
 Lytton, Bulwer, 168.  
  
     Mc  
 MacDonald, Donald, 576.  
 MacKinne, Ben, 121.  
 MacKnight, Thomas, estate of, 583.  
 MacLeod, Reverend, 576.  
 MacLeod, 595.  
 MacLaine, Archibald, 585.  
 MacNeill, Ben Dixon, 395; appointed Commissioner, 393.  
 MacNider, Hanford, 664.  
 McDuffie, 187.  
 McCord, 194.  
 McCord, David James, 193.  
 McCormick & Company, William, 583.  
 McCulloch, Henry, 126; Henry E., 585; property of, 589; Hugh, 212, 213.  
 McCulloch lands, 544.  
 McGouchy, Major, 454.  
 McGuire, 259.  
 McIntyre, 139.  
 McIver, Charles D., 385.  
 McKoy, Judge A. A., 409.  
 McLean, Governor A. W., address of, 662; J. R., member Confederate Congress, 207; Robert, 156.  
 McNeill, James, property of, 586.  
 McSweeney, Edward F., 393.  
  
     M  
 Macon, Nathaniel, 138.  
 Maddock's Mill, 230, 231, 236.  
 Madison, Dolly, 144, 146; James, 138.  
 Magnolia, establish graded schools, 416.  
 Mahan, Alfred T., 521.  
 Maine, Prohibition Law of 1851, 391.  
 Mairs, John A., 507.  
 Mallett, Peter, 364.  
 Malone, Dumas, article by, 184.  
 Manassas Gap Railroad, 211.  
 Manly, ex-Gov., 364.  
 Manufacturing in south, 13.  
 Marion, county of, 455.  
 Marion County, 452.  
 Markham, Gervase, 376.  
 Marshall, Thomas Maitland, 658.  
 Martin, Alex, 364; Governor Alexander, 584; Josiah, 576, 578.  
 Martin, William, 587; Col. W. J., 365; Governor, 485, 556.  
 Martin's Council, Governor, 583.  
 Martin's agents, 576.  
 Martin's estimate, Governor, 575.  
 Martin's History, 516.

- Maryland, 68, 305, 370, 447, 454; families from, 312; planters of, 552; weevil in, 559.  
 Mary Washington House, 538.  
 Mason, Capt., 129; Alpheus Thomas, 154; James M., 514.  
 Mason's, Miss, *Life and Letters of her father*, 514.  
 Massachusetts, 192, 313, 382, 388, 439; Historical Society, 308, 439, 475.  
*Massachusetts Spy*, 307, 308, 480, 481, 486.  
 Mathews, Dr. Shailer, 179.  
 Mathews County, Kingston Parish Register, 532.  
 May, Major Benjamin, 160.  
 Mecklenburg, brigade from, 374.  
 Mecklenburg Declaration of Independence, 135.  
*Memoirs of the American Revolution*, 637.  
*Mercury*, 190.  
 Meredith College, 159.  
 Merrimon, Judge, 418.  
 Merrimon, Justice, 412, 414; Justice A. S., 411.  
 Mexico, envoy to, 512.  
 Michigan, University of, 520.  
 Micklejohn, Dr. George, 457, 461.  
 Middle Colonists, 650.  
 Middlesex County, Christ Church Parish Vestry Book, 535.  
 Middlesex County, Register of Christ Church in, 531.  
 Miller, Governor, 138.  
 Miller & Company, Andrew, 589.  
 Mims, Edwin, 663.  
 Mineral Springs, academy at, 50.  
 Minnigerode, Meade, 654.  
 Miranda's government, 181.  
 Missionaries, complaints by, 17.  
 Mississippi, 447, 449, 452; plantations in, 506; students from, 364; troops, 514.  
 Missouri, students from, 364.  
 Moab, princes of, 298.  
 Monroe, establish graded school, 416.  
 Montford, Henry, 587.  
 Montgomery, Judge, 419, 420.  
 Moore, Alfred, 138; M., 254; Maurice, 264, 266; Maurice, Judge, 68; Morris, 253.  
 Moore's, Morris, letter, 257.  
 Moore, Roger, 129; William, 587.  
 Moore's Creek, 458, 576; campaign, 580.  
 Moore's Creek Bridge battleground, accepted, 664.  
 Moravians, Conference Minutes, 546. Salem Minute Book, 570.  
 Moravian settlement, 548.  
*Moravian Records of North Carolina*, 161.  
 Mordecai, George W., of Wake, 207.  
 Morehead, John M., 199, 205.  
 Morgantown, 40.  
 Morrison, ex-Governor Cameron, 663.  
 Morton, signed protest, 204.  
 Morse, 37, 41, 44, 46.  
*Morse's Geography Made Easy, Being an Abridgement of the American Universal Geography*, 36.  
 Moseley, Edward, 32; map by, 126.  
 Moseley, William D., 510.  
 Masonic Grand Lodge of North Carolina, 519.  
 Mulligan, Jacob, 639.  
 Munn, Alexander, property of, 587.  
 Murfreesborough, Academy at, 50.  
 Muscle Shoals, 371.  
 Myers, Edmund T. P., 208.

## N

- Nansemond County, Upper Nansemond Parish Vestry Book, 536.  
 Nash, 248.  
 Nash, Abner, 587.  
 Nash County, 50; Roster of, 161.  
 National Archives, 522.  
 National Association of Railroads and Utilities Commissioners, 394.  
 "Natural Curiosities," 39, 40.  
 Navigation Acts, 553.  
 Negro Hammocks, 626.  
 Nelson, 454.  
 Nelson, Governor of Virginia, 577.  
 Newsome, A. R., 519, 520, 525, 654, 660.  
 Newton, 167.  
 Newton changed to Wilmington, 126.  
 New Bern, 28, 31, 308; District, 587; establish graded schools, 416; founding of, 21.  
 Newbern, 47, 48, 49, 126, 240, 257, 306, 312, 373, 478, 484; academy at, 50; port of, 632.  
 New England, 4, 192, 282, 389, 554; abolitionist, 378; autocracy of, 651;



- Colonists, 650; Constitutions, 650; capitalists, 654; exports to, 574; Federalism, 653; history, 651, 652; imports from, 46.
- New-England*, 103, 111.
- New England in the Republic*, 651.
- New Garden, 50.
- New Hampshire, 439.
- New Kent County, Blissland Parish Vestry book, 535; Records of St. Peter's Church in, 531; St. Peter's Parish Register, 536; St. Peter's Parish Vestry Book, 536.
- New-Lights*, 86, 117.
- New Mexico, students from, 364.
- New Orleans, 202; defense of, 515.
- New-Presbyterians*, 92, 99.
- New York, 129, 150, 372; Assembly of, 640; commerce of, 191; citizens of, 492; families from, 312; Governor of, 477; government of, 493; Historical Society, 597; merchandise from, 46; papers, 193; Public Library, 579.
- New York *Times*, 140, 152; *Tribune*, 161.
- News and Observer*, 158, 393, 395.
- Nock, Albert Jay, 659.
- Norfolk, 28.
- North, 450.
- Northampton County, 54; Court House manuscript records of, 529, 530.
- Northumberland County, Wicomico Parish Vestry Book, 536.
- North Alabama, 452.
- North America, 60, 443, 486; Royal governments, 64.
- North-Britain, 126.
- North Carolina, 6, 8, 12, 24, 27, 29, 36, 39, 42, 51, 52, 68, 69, 70, 119, 125, 127, 129, 130, 153, 198, 222, 226, 289, 306, 307, 310, 311, 312, 314, 326, 356, 370, 371, 373, 382, 383, 428, 429, 431, 432, 434, 447, 452, 454, 455, 457, 477, 479, 480, 481, 490, 492, 505, 510, 516, 517, 545, 595, 641; affairs in, 318; annexed to Virginia, 554; Assembly, 29; backwardness of, 560.
- North Carolina Bay, Valley Forge, 662.
- North Carolina, bays and capes, 41; academies in, 49; boundaries, 606; Booklet, 393, 457, 519, 660; British troops in, 584; cattle thieves in, 565; session, of, 155; character and manners of the inhabitants of, 47; character of people of, 49; chief towns in, 47; claims, 580; climate, 43, 45; coast of, 604; College of Agriculture and Engineering, 393; College for Women, 154, 385, 660, 661; colonies on eastern shore of, 539; commerce, 45, 46; Commissioner for, 138; condition for settling in, 542; convention of 1861, 205; constitution of, 399; cotton in, 558; counties of, in 1810, 37; counties in, in 1810, 39; county clerks in, 363; county commissioners, 414; crops made in, 126; currency, 546; *Day Program*, 660; delegation, 203; domestic animals, 563; development of, 553; education in, 51; exportation of Indian corn, 126; exports, 570, 568; Farmers' Alliance, 663; Folk Lore Society, 160; freedom of press in, 481; General Assembly of, 49; geography, 37; Government in, 50, 51; grain in, 555; historian of, 132; history of, 50, 368; history, 396; Historical Commission, 55, 138, 159, 160, 161, 162, 393, 395, 396, 457, 516, 519, 525, 580, 660; Historical Commission, additions to, 662; *Historical Review*, 660; indigo produced in, 126; institutions, appointments at, 661; James Hogg, emigrated to, 593; lands granted to, 401; loyalism in, 579; loyalists in, 575, 590; manufactures, 45, 46; *Manual*, 159, 393, 519, 660; map of, 127; Masonic Grand Lodge of, 519; minerals in, 46; mineral springs, 44; militia, 47; mines, 44; money in, 573; Moravians in, 50; mountains, 39; municipality, 400; natives of, 580; physical features of, 41, 42; planters, 561, 562, 566; plantation life in, 550; population, 47; population of, 549; process of confiscation, 582; Proclamation Money, 565; progress, 399; products, 43; privateers on coast of, 127; public improvements, 45; public schools of, 425; public works of, 206; Railroad, 198, 206, 218; Railroad chartered, 200; Rail-

road leased, 219; Revolutionary, 577; rice in, 556; religion in, 50, 51; rivers of, 41, 42; roads and canals in, 46; Scotch Highlanders to, 591; sectional feeling in, 202; sketch of, 605; settlers of, 548; settlers in, 606; settlement, 517; sheep raising in, 566; sickness in, 127; soil, 44, 45; sounds, 42; state of, 625, 634; State convention in, 205; students from, 364, 365; swamps, 42; Taxes, 475; Tobacco, 23; Tobacco in, 553; Towns in 1810, 37; towns and people in, 46, 47, 48, 49; townships, 430; tracts of land in, 544; trade, 43; University of, 49, 51, 137, 149, 151, 152, 159, 363, 364, 365, 377, 379, 388, 391, 519, 520, 656, 658, 660, 661; University Magazine, 308; University, Press of, 153, 394; Virginia boundary line, 19; Virginia boundary survey, 30; weevil in, 559.

North West River landing, 20.

Nottingham, 112.

Nova Scotia commissioners, 580.

O

Oberholtzer, E. P., 659.

Occacock Inlet, 625, 627, 631.

Odum, Howard W., 151.

Ohio, students from, 364.

Oldham, signed protest, 204.

Olds, Colonel Fred A., 635.

*Old Presbyterians*, 100.

Old Stone House, 538.

On the Alteration of the Tariff, 186.

On the Constitution of the United States and the questions that have arisen under it, 187.

Onslow County Court Minutes, 369.

Orange County, 49, 51, 69, 226, 229, 232, 234, 242, 243, 253, 312, 313, 316, 317, 318, 320, 326, 329, 334, 339, 457; Civil Court in, 328; inhabitants of, 321, 324, 329; people of, 330; regulation in, 310; representative of, 322; taxes in, 236; Taxes of, 247, 346; vestry-men, 331.

Ordinance of 1787, 401.

Oregon, 513.

Organized Labor and the Law, 154.

Oriental trade, 653.

*Origins of the Whig Party*, 154.

Orrell, Thomas, 369.

Osgood's, Herbert L., account, 522.

*Our Times. The United States*, 658.

Overman, Lee S., 664.

Owens, Thomas M., 55.

Owens, signed protest, 204.

Owsley, Frank Lawrence, 154, 446, 509.

P

Page, R. N., 663; Thomas Nelson, 12; Walter, 136; Walter Hines, 137, 152, 386.

Palatines from Germany at Newbern, 50.

Palatines, special dispensation to, 543.

Pamlico River, 21.

Panama, 141.

Parham, port of, 443.

Parliament, 638; Lords in, 229, 320.

Parish taxes, 234, 245, 248, 341.

Parochial taxes, 247.

Parsons, L. E., 454.

Pasour, Eli, 417.

Pasquotank County, 476; people in, 633.

Pasquotank, commissioners in, 582.

Patillo, Rev. Henry, 457.

"Peace Society," 453, 454.

Peacock, Capt. 128, 129.

Pell, Judge George P., 394.

Pennsylvania, 50, 68, 184; families from, 312; Scotch-Irish of, 389; State of, 650; University of, 660.

Pensacola, capture of, 515.

Perquimans County, 50, 458, 476, 634, 635; people in, 633.

Person, Thomas, 54, 57, 458.

Perthshire, 592.

Petersburg, trade to, 46.

Peter the Great, reign of, 602.

Pfohl, J. Kenneth, 516.

Phenix, Capt., 129.

Philadelphia, 51; vessel from, 491.

Phillips, Ulrich B., 439, 520.

Phillips, Major Wade H., 663.

Phocion, 505.

Pickett Papers, 514.

Piedmont, Railroad Company, 205, 206, 209; Railroad Company franchises, 221; Railroad, indebtedness to, 219; Railroad Company, gauge of, 214; Railroad Company, rolling stock of, 217.

Piedmont Company, integrity of, 221.

Pierpont of Virginia, 212.

- Pierson, William Whatley, Jr., 165.  
 Pike, County of, 455.  
 Pilgrim's constitution of 1620, 649.  
 Pilot Mountain, 39, 40.  
 Pittman, Thomas M., 160, 386, 515, 516, 517, 518.  
 Pitt County, 49, 641.  
 Pitt, William, 637.  
 Pitt's popularity, 640.  
 Plymouth, Covenant of 1620, 649.  
 Pocahontas Chapter of the Daughters of the American Colonists, 532, 534.  
 Pocahontas, statue of, 538.  
 Poinsett, Joel R., Jackson's agent, 196.  
 Polk, 179.  
 Polk, Colonel Leonidas LaFayette, 663.  
 Polk, James Knox, 506; Mrs. James K., 507.  
 Polk, William, 138.  
 Polk, W. T., 159.  
 Polk Hall dedicated, 663.  
 Pollock, Governor, 24; Thomas, 21.  
 "Poor Whites," 5.  
 Pope, Jacob, 121.  
 Population of counties of North Carolina in 1810, 37.  
 Portsmouth, 627, 632.  
 Pound, Dean, 394, 395.  
 Powell, Dr. J. T., appointed commissioner, 212; Mrs. Mary Louise, 395.  
 Powers, John, 121.  
 Powhatan County, Southern Parish Vestry Book, 536.  
 Presbyterians, 117.  
 Prime Minister, 641.  
 Princess Anne County, transfers from, 534.  
 Prince Edward County, St. Patrick's Parish Vestry Book, 536.  
 Prince George County, transfers from, 534.  
 Prince William County, Dettinger Parish Vestry Book, 535.  
 Privateer near Ocracoke, 128.  
 Proclamation, 244, 246, 249, 334, 335, 340, 345, 346, 351, 352; of Governor, 239.  
*Proceedings of the State Literary and Historical Association*, 159, 393, 519, 660.  
 Professor Dunning, 178.  
*Progressive Farmer*, 395, 663.  
 Progressive National Committee, 140.  
 Progressive Party dies, 141.  
 Protestant Revolt, 173.  
 Provincial Assembly, 580.  
 Provisional Army of Confederate States, 208.  
 Provisional Congress, 202.  
 Pruitt, J. C., 417.  
*Pruitt v. Commissioners*, 418.  
 Pryor, John, 261.  
 Publications of Virginia Historical Society, 532.  
 Pulitzer Prize, 651.  
 Purchas, Samuel, 134.  
 Pyle's, John, 257.
- ### Q
- Queen Ann, 60; Victoria, 151.  
 Quakers, 81, 84, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 109, 110, 111, 117, 118, 633, 634, 635; control ferry, 27.
- ### R
- Rainsford, Rev. Giles, 25.  
 Raleigh, 48, 49, 199; academy at, 50; school term of, 412; and Gaston Railroad, 211; and Gaston Railroad, profits of, 205; Sir Walter, 539.  
 Randolph, Edward, 554.  
 Randolph County, 68, 452, 455.  
 Randolph-Macon College, 537.  
 Rappahannock County, records of, 530.  
 Ravencroft, Rev. John Stark, 458.  
 Reeves, James E., 370.  
 Regulation, 307, 310, 332; war of, 395.  
 Regulators, 54, 68, 257, 259, 267, 308, 313, 330, 334, 337, 338, 343, 345, 347, 348, 349, 351, 353, 355, 356, 357, 359, 457, 475, 477, 478, 479, 481, 485, 488, 490, 494, 495, 496, 498, 502, 576; called meeting, 239; general meeting of, 238, 242; title of, 243, 244.  
 Regulator movement, 52, 68.  
 Reichel's Moravians in North Carolina, 516.  
 Reid, Governor, 157.  
*Remarks on Religion*, 70.  
 Revolution, American, 523, 575, 637; French, 446, 639; Sons of, 537.  
*Revolutionary New England*, 651.

- Revolutionary North Carolina, 577.  
 Revolutionary War, 639.  
*Revue D'Histoire Diplomatique*, 161.  
*Revue D'Histoire Moderne et Contemporaine*, 161.  
*Revue Historique*, 161.  
*Revue Questions Historique*, 161.  
*Revue Synthese Historique*, 161.  
 Reynolds, Mrs. William N., 160.  
 Rhett, 514; signed protest, 204.  
 Rhode Island, 223.  
 Richmond, 365; County records of, 530.  
 Richmond and Danville Railroad, 198, 206.  
 Richmond and Danville Railroad Company, 209.  
 Richmond and Danville, amounts paid for construction and maintenance, 215.  
 Richmond and Danville, guage, 214; lease, 219, 221.  
 Richmond and Danville Company, operations of, 222.  
 Richmond and Danville, statement of proprietorship, 218.  
 Richmond Danville Company subscribed to stock, 212; issued bonds, 213.  
 Richmond and Danville Companies, traffic, 220.  
 Richmond and Danville and North Carolina Railroad connection, 204.  
 Richmond University, 537.  
 Richmond and York River Road, 211.  
*Rigsbee v. Town of Durham*, 417, 418.  
 Rippy, J. Fred, 519, 659.  
 Risley, H. A., Supervising Special Agent, 213.  
 Rising Sun Tavern, 538.  
 Roanoke Island, 663.  
 Roanoke Valley road, 211.  
 Robertson, James Alexander, 383, 395, 396, 510, 511; William, 181.  
*Robin Hood's Songs*, 82.  
 Rockingham County, 427.  
 Rockwell, Paul Ayres, 154.  
 Rocky Mount, establish graded schools, 416.  
 Roddy, General, 454.  
 Rodman case, 434.  
 Rogers, Zach., 265.  
 Rome, 288, 293.  
 Roman Empire, 181.  
*Rome and the World Today*, 180.  
 Roosevelt, Theodore, 139, 140, 141, 521.  
 Ross, Miss Mary, 516.  
 Rotterdam, 150.  
 Rowan County, 40, 68, 198, 457, 576.  
 Rowan "natural wall," 39.  
 Rowan, inhabitants of, 277.  
 Rowland, Dunbar, 392.  
 Rowland, Mrs. Dunbar, 514.  
 Rouss, Capt. John, 129.  
 Royal Army, members joining, 130.  
 Royster, Lieut., killed, 365.  
 Ruffin, Judge Thomas, 205.  
 Rush, Benjamin, 390.  
 Rutherford, Griffith, 584; General, militia, 374; Thomas, 575.

S

- Saint Paul's Parish, 440, 442.  
 Saint Peter's Parish, 440, 442.  
 Salem, ladies boarding school at, 50; settled by Moravians, 48.  
 Salisbury, 36, 39, 46, 48, 250, 359; District, 277; Jockey Club, 138; school term of, 412.  
 Salt Lake City, 368.  
 Sally's, George, 242, 248.  
 Sampson County, commissioners of, 409.  
 Sampson Superior Court, 409.  
 Sandburg, Carl, 392.  
 Sandy Creek Association, 52; settlement, 330, 332.  
*Saturday Evening Post*, 656.  
 Savory, Peter, 261.  
 Scales, A. M., 156.  
 Scaevola, 484.  
 Scaevola, Mucius, 483.  
 Schaw, Miss Janet, 551.  
 Schlesinger, Prof. A. M., 4.  
 Schlesinger, Prof., 5, 10.  
*Scientific and Interpretative History*, 165.  
 School term, the minimum, 402.  
 Scotch Highlanders to North Carolina, 591.  
 Scotch Highlanders, at Fayetteville, 49.  
 Scotch Merchants, 304.  
 Scotch-Irish, 8; of Pennsylvania, 389; Presbyterians, settlements, 548.  
 Scotland, 596; isles of, 599; rebellion in, 483.



- Scots Magazine*, 597.  
 Seaboard and Roanoke, 211.  
 Searcy, Reuben, 52, 54.  
 Searcy petition, 53.  
 Sears, Louis Martin, 154, 512.  
 Seawell, Henry, 363; Joseph Lacy, 159.  
 Seddon, 514.  
 Seignobos, 170, 176, 178.  
 Seminole War, 511.  
 Senate, United States, 138.  
 Sesqui-Centennial International Exposition, 663.  
 Settle, Thomas, 155, 156.  
 Sevier, seduced by the Devil, 373.  
 Sewanee, 148.  
 Seward, 88.  
 Seward's Journal, 87.  
 Sewell's History, 98, 104.  
 Seymour, Charles, 392.  
 Shaler, Millard, 150.  
 Shay's Rebellion, 652.  
 Shoe Heel, (Maxton) establish graded schools, 416.  
 Shotwell, Professor James T., 182.  
 Shyrock, R. S., 660.  
 Sill, Professor Henry A., 175.  
 Simpson, Francis L., in House of Commons, 199.  
 Sims, George, 52, 53, 54, 57; Joseph, 54.  
 Singleton, Spyers, 587.  
 Six Mile Hammock, 626.  
 Sir George Carteret, 312.  
 Sir William Colleton, 312.  
 Skinner, William, 634.  
 Skrine, Capt. Jonathan, 129.  
 Skut, Capt., 129.  
 Slavery in its relations to agriculture, 548.  
*Slavery and Servitude in the Colony of North Carolina*, 549.  
*Slaveholding in North Carolina; an Economic View*, 659.  
 Sledd, Benjamin, 160.  
 Slidell, John, 512.  
 Small farmers in 1860, 7.  
 Smiley, 36.  
 Smith, Adam, Philosophy of, 185; Benjamin, 363; Carl G., 363; Chief Justice, W. N. H., 409; Governor, 138; John, 442; statute of, 538; Major, 374.  
 Smith, William R., 447.  
 Smith, signed protest, 204.  
 Smithfield, establish graded schools, 417.  
 Snider, Charles L., 144, 147, 510.  
 Society of the Daughters of the American Revolution, 537.  
 Society of the Cincinnati, 537.  
 Society of Friends, 68.  
 Society for the Propagation of the Gospel, 25.  
 "Some Inside Political History of Theodore Roosevelt and His Times 1898-1918," 140.  
*Some Remarks on Religion, with the Author's Experience in Pursuit thereof, For the consideration of all people Being the real Truth of what happened, Simply delivered; without the help of School, Words or Dress of Learning*, 69.  
 Somerton Chapel 30.  
 Sondley, F. A., 635.  
 Sons of the American Revolution, 537.  
 Sons of Confederate Veterans, 537.  
 Sons of Liberty, 229, 320, 321.  
 Sons of the Revolution, 537.  
 South, 446, 447, 450, 452, 509, 514; Catholicism for, 644.  
 South America, 141, 142, 646.  
 South Carolina, 18, 29, 42, 43, 44, 45, 47, 49, 156, 184, 185, 186, 187, 188, 189, 190, 192, 199, 517, 569, 576, 606; boundary disputes, 138; commissioner for, 138; Cooper's life in, 196; courts in, 638; distemper from, 572; negroes grade road, 210; nullification, 193; planters of, 552; planters, 557; College president of, 189, 192; secession in, 189; students from, 364; question of calling a convention, 195.  
*South Carolina Gazette and Country Journal*, 640.  
 South Key, 18, 19.  
 South Mountain, 365.  
 South Sea Company, 439.  
*Southern Banner*, 161.  
 Southern Colonists, 650; Confederacy, women of, 395; Railroad Company, 221; States, 447; iron mills in, 211.  
 Southwest Virginia, 455.  
 Spangenberg, Bishop, 551, 554, 559, 563, 564, 565.

Spaniards, 371.  
 Spanish, in Florida, 517; Privateers, 127, 128, 129; Privateers on Ocracoke Island, 128; records, 516; settlements, 516.  
 Spencer, Samuel, 371.  
 Spiers, John, 121.  
 Springhill, academy at, 50.  
 Spotswood, Governor, 17, 24.  
 Sprowle, Andrew, 589.  
 Squier, Colonel, 136.  
 Stafford County, Overwharton Parish Vestry Book, 536.  
 Stamp Act, 492, 493, 638; Law, 229.  
 Starkey, Judge, 447.  
 State Board of Education, 421.  
 State College of Agriculture and Engineering, 661, 663.  
 State, Constitution, 399; Constitutional convention of 1865, 63; Convention in North Carolina, 205; Department of Agriculture, 6; Historical Commission, 521; Library, 529; Literary and Historical Association meeting and program, 159; of Pennsylvania, 650.  
*States' Rights in the Confederacy*, 154.  
 State Rights in the Confederacy, 509.  
 State Treasury, 587.  
 Statesville, establish graded schools, 416.  
 Stem, school at, 423.  
 Stephens, Alex, 152; Alexander H., 522.  
 Stokes, Governor, 138.  
 Stokes County, 48.  
 Stone, Governor, 138.  
 Stoneville, school building at, 427.  
 Stovall, school at, 423.  
 Strachey, Lytton, 151.  
 St. Christophers, 125.  
 St. Gaudens, Homer, 160.  
 St. John's Church, 458.  
 St. Mary's School, 393.  
 St. Matthews Church, 457.  
 Suffolk, 28.  
 Sullivan, John L., 151; Mark, 658.  
 Sumter, firing on, 155.  
 Supreme Court, 404, 412, 415, 417, 418, 419, 420, 422, 424, 427, 429, 433, 434, 435.

Surry County, Justices of, 584; records of, 530.  
 Surry and Sussex counties, Albemarle Parish Register, 535.  
 Suther, Reverend Mr., 457.  
 Sutherland of Danville, 208.  
 Sutton, Mrs. D. H., 160.  
 Swain, D. L., 366; letter of, 364; letter to, 379.  
 Symonds, Capt., 374.  
 Syracuse University, 660.

T

Table Rock, 40.  
 Talladega, County of, 455.  
 Tallahassee, 381.  
 Tallussahatchie, battle of, 514.  
 Tarboro, establish graded schools, 416.  
 Tarborough, 49.  
 Tariffs of Abominations in 1828, 192.  
 Tatum, Absolom, 587.  
 Taxation, exemptions from, 126.  
 Taxes, County, 329, 341; Parish, 329, 341.  
 Taylor, Carl C., 6.  
 Taylor, James, 364; R. H., 509; Rosser Howard, 659.  
 Teach, 19.  
 Teache's Hole, 628.  
 Telfair, Major S. F., letter to, 368.  
 Tennessee, 8, 447, 452, 454, 636; plantations in, 506; students from, 364; troops, 515.  
 Texas, 447, 452; students from, 364.  
 Thayer, 139.  
*The Best Letters of Thomas Jefferson*, 658.  
 The Carnegie Foundation for International Conciliation, 395.  
 The Carolina Playmakers at State Theatre, 159.  
*The Civil War and Reconstruction in Florida*, 511.  
*The Civil War and Readjustment in Kentucky*, 659.  
*The Dictionary of National Biography*, 636.  
*The Genesis of the Constitution of the United States of America*, 392.  
 The History of Wachovia, 516.

- The Intimate Papers of Colonel House*, 392.  
*The Life and Papers of Frederick Bates*, 658.  
 The Moravian Records, 516.  
*The Naval History of the World War, The United States in the War, 1917, 1918*, 658.  
*The Negro of the Old South*, 380.  
*The North Carolina Day Program*, 159, 393, 519.  
*The North Carolina Booklet*, 159.  
*The Papers of John Steele*, 138.  
*The Party Battles of the Jackson Period*, 656.  
 The Philadelphia Library Company, 69, 70.  
*The Plantation Overseer*, 506, 509.  
*The Recorder*, 385.  
*The Reviewer*, 160.  
 The Richard Dobbs Spaight Chapter, 161.  
 "The Riddle of the Lumbee Indians," 395.  
 "The Road to Carolina," 395.  
*The Royal Gazette*, 579.  
*The Scientific Study of Human Society*, 394.  
*The South Since the War*, 156.  
*The Spiritual Exercises*, 174.  
*The Story of Durham*, 154.  
 "The Study of the New North," 15.  
 "The Study of the New West," 15.  
*The United States and Mexico*, 659.  
 The William Gaston Chapter, 161.  
*The War for Southern Independence*, 377.  
 Third Alabama Reserves deserted, 452.  
 Thirteenth Amendment, 4.  
 Thomas, Isaiah, 307, 308, 484.  
 Thompson, Robert, 497.  
 Thornton, William, 138.  
 Thorpe, John H., 161.  
 Thwing, 139.  
 Tillman, Benjamin R., 517.  
 Todd, Mary, 145, 146.  
*Tolerance*, 154.  
 Toombs of Georgia, 203.  
 Tomlinson, J. L., 385.  
 Toms, Foster, 634.  
 Toner, J. M., 375.  
 Towns of North Carolina in 1810, 37.  
 Townsend, Capt. George, 129.  
 Trent affair, 514.  
 Tryon, Gen., 313; Governor, 68, 308, 337, 339, 457, 475, 479, 480, 481, 482, 484, 485, 486, 487, 490, 492, 501, 558.  
 Tryon, William, 245, 247, 250, 341, 346, 352, 461, 578.  
 Tryon's administration, Governor, 477.  
 Tucker, George, 186.  
 Tunstall, W. P., 198.  
 Turnbull, 193.  
 Turnbull's *Crisis* in the *Mercury*, 192.  
 Turnbull, Robert J., his *Crisis*, 189.  
 Turkey, constitution of, 191.  
 Turner, Governor, 138.  
 Turpentine and yellow pine lumber industries, 7.  
 Tuscarora War, 18, 21, 548, 565, 571.  
 Tyrrell County, 476.  
 Tyler, President, 382.  
 Tyler, Lyon G., 529.  
*Tyler's Quarterly*, 537.
- U
- Underwood tariff, 142.  
 Union, acts of, 592.  
 United Daughters of the Confederacy, 162, 521, 537.  
 United States, 8, 10, 45, 50, 136, 158, 179, 513, 515, 581, 629, 634; British Ambassador to, 663; Bureau of Agriculture Economics, 6; Catholic Historical Society, 393; character of, 658; Civil War in, 193; Congress, 512; constitution of, 191; Government reports, 170, 213; Government, 538; history of, 377, 380; lands ceded to, 372; lands granted by, 401; mint of, 44, 46; Murray's map of, 371; Presidents of, 521; protective tariff, policy of, 653; Senate, 138; the people of, 187; temperance society in, 390; Treasury, 138; troops at Beaufort, 48.  
*United States Telegraph*, 191.  
 University of Chicago, 519.  
 University, Columbia, 3, 159, 521, 661, 664; Cornell, 175; Duke, 223, 392,

457, 519, 591, 649, 660; of Glasgow, 311; Harvard, 520; of Michigan, 520; of North Carolina, 49, 51, 137, 149, 151, 152, 159, 363, 364, 365, 377, 379, 388, 391, 519, 520, 656, 658, 660, 661; of North Carolina Playmakers, 7; of North Carolina Press, 153, 394; of Pennsylvania, 660; of Virginia, 537; of West Virginia, 660; Richmond, 537; Syracuse, 660.

Ursperger Reports, 516.

Urmstone, 25, 32; Rev. John, 17.

V

Valentine, Calvin Bragg, 532; Mrs. Calvin Bragg, letter from, 531.

*Valentine and Orson*, 82.

Valley Forge Memorial, 160.

Van Buren, 194, 195; Martin, 190, 522.

Vance, Gov., 364, 646; letter from, 379; Zebulon B., 134, 155; Z. B., letter to, 648.

Van Loon, Hendrik, 154.

Van Noppen, Charles L., 133.

Vassel, Hilliam, 307.

Venezuela, independence in, 181.

Vicksburg, surrender of, 454.

Vinehill, academy at, 50.

Virginia, 8, 17, 18, 19, 21, 22, 23, 24, 27, 28, 29, 30, 31, 32, 33, 34, 35, 44, 45, 47, 49, 50, 120, 122, 130, 148, 186, 195, 198, 199, 545, 447, 452, 491, 606, 622; Acts passed by 1679, 23; Assembly, 207; cattle thieves, 565.

Virginia Central Railroad, 217.

Virginia Company, 649.

Virginia Dare Day, 662.

Virginia, embargoes, 560; families from, 312; History, 529; Historical Magazine, 536.

*Virginia Historical Register*, 536.

Virginia Historical Society, 532, 536.

Virginia law relative to guage, 216.

Virginia Merchants, Association of, 589.

Virginia, merchants of, 570.

Virginia-North Carolina boundary line, 19.

Virginia-North Carolina boundary survey, 30.

Virginia, planters of, 552; plantation life in, 550; quitrents in, 541; students from, 364, 365; University of, 537; weevil in, 559.

Voltaire, 173.

W

Wade, John Donald, 152.

Wagstaff, H. M., 138.

Walker, Francis A., 521; John, 31; County of, 455.

Wallace, John, 629.

Wallace's house, David, 632.

Walters, Captain, 18.

Wandell, Samuel H., 654.

Warren County, 50.

Warrenton, academy at, 50, 51.

Warwick County, records of, 530.

*War Letters of Kiffin Yates Rockwell*, 154.

War Between the States, 202, 520.

War of the Regulation, 395.

War, Revolutionary, 639.

War Savings Committee, 393.

War, Seminole, 511; Tuscarora, 18, 21, 548, 565, 571; of 1812, 653.

Washington, 49, 187, 370, 376, 452; appointment of, 138; Booker T., 152; Bushrod, 375.

Washington, establish graded schools, 416; General, 577; George, journey of, 161.

Washington literature, 375.

Washington, port of, 632; trade at, 48; town of, 434.

Washington, President, 68.

Washingtonian movement, 391.

Watson, 232.

Watson, James, 231, 236, 266, 323, 331.

Wayne County, 433, 434.

Webster, 188, 191, 192.

Weeks, Stephen B., 133.

Welburn, Thomas, 252, 355.

Wellon, Capt., 129.

Wentworth, school building at, 427.

Westminister Devines, 302.

Westrayville, academy at, 50.

West, William 22.

West-Indies, 128, 615, cotton of, 559; exports to, 567, 574.

West India Companies of France, Great Britain and Holland, 176.



- West Indies, people of, 374; trade with, 44, 45, 49.
- West India sugar plantations, 439.
- West New Jersey, 439.
- West Tennessee State Teachers' College, 661.
- West Virginia, 8; University of, 660.
- Wharton v. Greensboro*, 437.
- White, Andrew D., 521.
- White, William Allen, 387.
- White House, Coolidge in, 387.
- Whitefield, George, 84.
- Whitefield's School in Georgia*, 108.
- Whitefieldians*, 97, 98.
- Whitmell, Thos., 121.
- Whiskey Insurrection, 68.
- Wilcocks, 258, 259.
- Wilcocks, John, 257, 259, 260.
- Wiley, C. H., letter from, 648; Calvin H., on the evils of slavery, 642.
- Wilkes, Edmond, Superintendent, 218.
- Wilkesborough, Academy at, 50.
- Willard, 36.
- Willett, 36.
- Williams, Governor, 138; John Sharp, 147; Richard, 369; Stephen, 491; Thomas, 29.
- William and Mary College, 537.
- William and Mary College Quarterly*, 537.
- Williamsburg, magazine in, 538.
- Willson, William, 121.
- Wilmington, 44, 48, 49, 126, 128, 129, 199, 490, 491, 595; British forces in, 576; evacuation of, 373; port of, 571.
- Wilmington and Raleigh, profits of, 205.
- Wilmington, school term of, 412; settlement of, 548; situated, 610.
- Wilson, Woodrow, 136, 137, 152, 153, 387, 388, 521; administration, 140.
- Wilson's administration, 649.
- Wilson, John R., letter from, 368.
- Winona, speech at, 141.
- Winsor, Justin, 521.
- Winston County, 452, 455.
- Winthrop College, 518.
- Wolcott, Oliver, 138.
- Woodbridge, 36.
- Woodbury, John L., historian, 394.
- Wood, General, 139; Frank, death of, 393; John, Sheriff, 269.
- Worcester, 36.
- Work, Monroe N., 152.
- World Court, 388.
- World War, 161, 520.
- World War Historical Commission, 537.
- Y
- Yadkin, County of, 455.
- Yalabusha County, 506, 507.
- Yeamans, Shute Shrimpton, 439.
- Yerger, W. M., 447.
- York County, 529; Charles River and York Hampton Parish Register, 535; records of, 530, 531.
- Yorktown, Cornwallis surrendered at, 579.
- Z
- Zimmerman, C. C., 6.
- Zimmerman telegram, 136.













